# PAKISTAN

## THE FORMATIVE PHASE

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*by*


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*with a foreword by*

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# FOREWORD

Even if this admirably written book is not the last word in the history of Pakistan up to the present day—for some sources are probably not yet revealed to us—it is a book of enormous value. It collects in a scholarly and impartial survey a mass of material which no historian of the future can neglect.

There is, to begin with, a fair and well-balanced account of the diverse factors which periodically heightened or lowered the tension between Hindus and Muslims from the early days of political consciousness. The more spectacular incidents in this long story are familiar—Sir Sayyid Ahmed's missionary achievements, the emergence of the Indian National Congress and later of the Muslim League, the partition of Bengal, the coming of separate electorates, the Khilafat movement, and then the more recent manoeuvres of both sides as the prospect of eventual Dominion Status or Independence grew nearer. All this is excellently told. And the impact of the British Government's policy on this varying temperature chart is described without prejudice. The idea that Britain looked on as a *tertius gaudens* is scouted.

It is when we come to the last 4 or 5 convulsive years before the great Partition that I feel we are not yet in full possession of all the historical sources that may one day be available. Of exceptional interest I find the writer's account of what Jinnah thought about the Cabinet Mission's proposals in 1946. It was briefly this; that if Pakistan were not conceded, Jinnah would not be averse to the idea of a

Super Centre entrusted by both sides to look after certain common subjects. There is too the illuminating comment of Maulana Abul Kalam Azad that, if the Congress had shown sufficient patience and far-sightedness and followed Lord Wavell's advice on the matter, Pakistan would not have been inevitable. This kind of speculation is no doubt academic. In 1947 Pakistan became, and is today, a reality of which there can be no question. But the historical problem is still one of intense interest—at what exact point (and there must have been at one particular moment a knife-edge decision) did Jinnah discard this quasi-federal idea and make up his mind that complete severance was the only solution?

It is possible, I think, that if Lord Wavell's private papers were made available, much light might be shed on the vitally important discussions which took place, both after and before the Cabinet Mission, during the two or three years preceding Partition. The silences of Lord Wavell have become almost legendary, but in reading this book one continually feels the extent of the power which the Viceroy still wielded in negotiating a long-term decision between the two major parties during 1946-47. In the last 3 or 4 months of his office the pace of the controversy, of which the Cabinet Mission's plan formed the main basis, accelerated at terrifying speed. I think justice has yet to be done to the part Lord Wavell played in these years of destiny.

The latter part of the book gives a clear and penetrating account of the development of Pakistan since Partition and of the difficulties she has had to face. The survey is in places critical but on the whole wisely optimistic, and the estimate the author has made of the leading personalities is not likely to be seriously challenged by future historians. I think he is right in holding that Jinnah was the only possible choice for the first Governor-Generalship. The criticism voiced by the *Economist* among others that as an active party politician Jinnah should have been ruled out is blind to the fact that in August 1947 the Muslim League was not merely a political party; it was in reality the 'successor authority'

and its leader naturally took on the mantle of the Viceroy of India. I know without a doubt, having worked directly under him for 9 months thereafter, that the Quaid-i-Azam never let party spirit influence his conduct of his high office.

Khalid bin Sayeed has deserved well of Pakistan in giving us this history, so well written and so thorough in its scope.

Sir George Cunningham.

Mavishaugh,
St. Andrews, Scotland.
*4th October*, 1960.

of Islamic Studies, McGill University, for the unstinted support and guidance that he has received in the preparation of this book. The author wishes to express his thanks to the publishers for their unfailing kindness and assistance. Similarly he would like to record his indebtedness to Mr. J. Rendall of the Oxford University Press, Karachi, Mr. W. Watson, Librarian of the Institute of Islamic Studies, McGill University, Mr. Habib Akhtar, Librarian of the National Assembly, Karachi, as also the Librarians at the University of New Brunswick, Fredericton, and the Liaquat National Library, Karachi.

Without generous and timely financial help of the Ford Foundation (made available through McGill University), the Asia Foundation, the Canada Council, and the Readership Committee, University of New Brunswick, the writing and publication of this book would indeed have been extremely difficult. It is needless to state that none of these institutions are to be held responsible for the views expressed in this study. The author can state without any exaggeration that this study would not have seen the light of day had it not been for his wife who has been comrade and critic in the writing of this book.

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For permission to include material from my articles. "The Political Role of Pakistan's Civil Service" (*Pacific Affairs*, June, 1958) and "Collapse of Parliamentary Democracy" (*The Middle East Journal*, Autumn, 1959).

# PREFACE

The author visited Pakistan during May to November, 1958, to complete his study for publication of the constitutional development in Pakistan. His study there and the events during that period made him realize that the tensions and stresses that were present in the existing scene were of historical origin. The present study is the product of that realization. The study was completed for publication during his recent visit to Pakistan (May to September, 1960).

The history of the Muslim separatist movement in India can be traced back to a period even earlier than 1857 that the author has chosen. But it becomes more relevant and meaningful in its modern setting after 1857 when the struggle for power assumed a triangular pattern in India. The present study tries to show how this separatist movement crystallized into a State and how the latter has worked during the recent years.

The author has been singularly fortunate in the material that has been made available to him by a number of political leaders and administrators who have exercised a decisive influence on the course of events in Pakistan. A select list of persons interviewed appears towards the end of this book. The author is deeply grateful to each one of them and many others for the help that he has received. Similarly, the author wishes to record his sincere thanks to Dr. Cyril James, Vice-Chancellor, McGill University; to Professors K. B. Callard and J. R. Mallory of the Department of Economics and Political Science, McGill University; and to Professors W. C. Smith and Fazlur Rahman of the Institute

# Part One

## Origins Of Pakistan

"One lesson I have learnt from the history of Muslims. At critical moments in their history it is Islam that has saved Muslims and not *vice versa*.

*Sir Muhammad Iqbal*

(Presidential address, All-India Muslim League, Allahabad, December 29, 1930.)

"The politician in me has never dominated a single decision of mine, and if I take part in politics, it is only because politics encircle us today like the coil of a snake, from which one cannot go out, no matter how much one tries. In order to wrestle with this snake, I have been experimenting with myself and my friends in politics by introducing religion into politics."

*Mahatma Gandhi*

(*Young India*, May 12, 1920)

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# I

## CONFLICTING VIEWS ABOUT THE ORIGIN OF PAKISTAN

The origins of Pakistan lie entangled in prejudices. Those of us who have witnessed its gestation and later its final emergence have been brought up to believe passionately in theories which either deride it as the crown and consummation of the British policy of 'divide and rule' in India or in theories which glorify it as the final fulfilment of a clear, uninterrupted and separate stream of Muslim political consciousness in Indian history. An objective study of the origins of Pakistan and a willingness to face facts will reveal that many of the weaknesses and tensions that Pakistan has been encountering recently existed in their embryonic form during the period of Pakistan's gestation. Similarly, a dispassionate analysis of the factors which helped the formation of Pakistan should dispel a good deal of mutual misunderstanding and ill-will that still exists in the minds of Indians and Pakistanis. Pakistan, like any other state, is a product of both negative and positive forces. It would be unfair to attribute its establishment entirely to Hindu communalism for Muslim separatism, sometimes bordering on hostility towards Hindus, was perhaps even a more important cause. Thus, a readiness to see each other's shortcomings ought to contribute to a better relationship and understanding between India and Pakistan.

Mahatma Gandhi, while speaking in the second session of the Round Table Conference in London in 1931, said that the quarrel between Hindus and Muslims was "coeval with the British advent" in India. The record of history is that the conflict between Hindus and Muslims had started long before the British arrival in India. Perhaps Emperor Aurangzib (1658-1707) was responsible for increasing Hindu-

Muslim tension by trying to Islamicize the Moghul government. Several Muslim historians have glorified Aurangzib for making Muslims conscious of their separate religious and ideological identity. But the fact remains that under Aurangzib, Maratha and Sikh leaders raised their banners of revolt precisely because in trying to organize his government on Islamic lines, Aurangzib was acting against their interests. Sir Jadunath Sarkar's observation on the role of Shivaji is revealing:

> "Shivaji has shown that the tree of Hinduism is not really dead, that it can rise from beneath the seemingly crushing load of centuries of political bondage, exclusion from the administration, and legal repression; it can put forth new leaves and branches; it can again lift its head up to the skies."[1]

After Aurangzib's death, Muslim power started disintegrating. How powerful had non-Muslims become and how desperate had become the Muslim position is revealed in the letters of Shah Waliullah (1703-81). Here was the son of a Sufi scholar, who would have normally passed his life either in meditation or teaching Islamic theology, but who felt that he should resort to every possible means to save Muslims from disaster. He did not hesitate to write to Ahmad Shah Abdali to come to the rescue of Muslims in India even though the latter was an Afghan outsider.

> "In short, the Muslim community is in a pitiable condition. All control of the machinery of government is in the hands of Hindus because they are the only people who are capable and industrious. Wealth and prosperity are concentrated in their hands, while the share of Muslims is nothing but poverty and misery. . . At this time you are the only King who is powerful, far-sighted, and capable of defeating the enemy forces. Certainly it is incumbent upon you to march to India, destroy Maratha domination and rescue weak and old Muslims from the clutches of non-Muslims. If, God forbid, domination by infidels continues, Muslims will forget Islam and within a short time become such a nation that there will be nothing left to distinguish them from non-Muslims."[2]

It has also been alleged that a separate Muslim political movement really started after the British conceded separate electorates to Muslims. The argument runs that here was a deliberate attempt on the part of the British to divide the electorate and thereby the Nationalist movement itself. This charge has been examined at some length in the following chapter, but the point which merits some examination is whether separate electorates were mainly responsible for creating differences between Hindus and Muslims or whether the granting of separate electorates recognized the cultural and religious differences that already existed between Hindus and Muslims. Prior to 1909, when separate electorates were granted, no two books were more representative of Muslim and Hindu ways of thinking than Altaf Husain Hali's *Musaddas* (The Ebb and Flow of Islam) (1879) and Bankim Chandra Chatterjee's *Anandamath* (The Abbey of Bliss) (1882). Hali, in a lucid and flowing verse, described the rise and fall of Islam as a political and cultural force in the world. "With my unskilful hands," he wrote in the preface, "I have constructed a house of mirrors, in which Muslims will find their face and stature reflected and can see what they were and what they have become."[3] The entire burden of Hali's *Musaddas* was to appeal to Indian Muslims to discard their ignorance, indolence, selfishness, and forge ahead as a disciplined, industrious and united nation. *Anandamath*, portraying the rise of Hindu nationalism during the decline of Muslim power in Bengal, sounded a clarion call to Hindus to arise from their languor and take up arms against the degenerate and oppressive Muslim rule. Hindu leaders in the novel made it clear that their struggle was not against the British government, who had really come to India as liberators, but against Muslim tyranny and misrule. Though the plot of *Anandamath* dealt with themes of a bygone age, yet it left a clear impression on the minds of its readers that Hindus were still bitter towards Muslims.

It may be argued that even if it were admitted that the conflict between Hindus and Muslims existed both before the establishment of British power in India and the intro-

duction of separate electorates in 1909, the British could have used their imperial power to compose these differences and help Hindus and Muslims evolve a common nationality. The British not only failed to do this, but actually tried through separate electorates to widen the gap that existed between the two communities. These are very formidable arguments. But it may be pointed out that no imperial power in history has displayed such a benevolent behaviour as to bring about a rapprochement between two rival communities. The traditional British approach to their colonies has been very largely that of *laissez faire*. Furthermore, there was no guarantee that joint electorates would have necessarily helped Hindus and Muslims to develop a national outlook in political matters. On the contrary, it may be argued that joint electorates, particularly when Muslim political leaders were thinking primarily in communal terms, might have worsened the relations between the two communities. At every election in each constituency where Muslims were in substantial numbers, communal riots might have flared up. Even if some of the harmful effects of separate electorates were conceded, it could still be argued that a generous attitude on the part of the majority community could have easily nullified most of these harmful effects. For example, if the Indian National Congress had agreed to include representatives of the Muslim League in the Provincial Congress Cabinets in 1937, much communal rancour and bitterness might have been avoided. Thus, if the British had planned to divide Hindus and Muslims, it seems that the Congress and Muslim League leaders did very little to frustrate British designs. It may be stated in passing that some writers in their keenness to prove the 'divide and rule' thesis, tend to forget the unifying influences of British rule in India, namely, modernization of Indian life through education, commerce and industry and the establishment of centripetal institutions like the Civil Service, the Army and the Judiciary.

The Hindu-Muslim conflict was further heightened when more and more political power was placed on the counter by the British after 1919 and Hindu and Muslim leaders

appeared as rival contenders to grab as much of it as possible for their respective communities. Unfortunately, progressive realization of responsible government turned out to be progressive aggravation of the Hindu-Muslim conflict. It was Maulana Muhammad Ali, not too long ago an ardent Indian Nationalist, who told the British Government in the Round Table Conference in 1930, "We divide and you rule."

The British were also caught in a vicious circle which was not entirely of their own making and from which there was probably no easy way out. The problem of administering justice between Hindus and Muslims was not a problem of holding balance between two equal communities. Muslims were not only smaller in number, but lagged behind the Hindus in education, in commerce, and political leadership. To start with, when the British arrived, Muslims were sulky and not very malleable to the British policy of Westernization. The British impact on Hindu areas was not only earlier but was received with great enthusiasm. The Hindus, unlike the Muslims, took to the learning of English with great readiness and proficiency and soon supplanted the Muslims in every office of administration. When Muslims found that they were being reduced to an inferior economic and social status, they tried to acquire English education and assure the British that they also would be loyal to their rule. The British, on the other hand, felt that they had probably been unfair to Muslims, and impressed by their pledges of loyalty, tried to help them. This created resentment among the Hindu intelligentsia, and particularly when Lord Curzon inaugurated his scheme of the partition of Bengal in 1905, there was a hue and cry throughout Hindu India. The British yielded to Hindu agitation and revoked partition. In the wake of this, there followed a series of events in the Middle East which confirmed Muslim fears and suspicions regarding the British policy towards Muslims in general and Muslim powers like Turkey in particular. A barometer of Muslim anger was the Khilafat movement. Later differences arose between Hindus and Muslims and they have been dealt with in

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Chapter III.

The pendulum of British policy continued to oscillate between the two points—recognition of Hindu demands and support of Muslim interests. In 1937, Congress governments were installed in office in six provinces and Muslims were again resentful and suspicious. In August, 1940, when the Congress had refused to co-operate with the British war effort, the Muslims were again given a solemn assurance by the British that no constitutional advance in India would be contemplated without their assent and approval. It would indeed be a daring historian who would single out the British for all blame because the British were not complete masters of the circumstances in which they were placed. The British occupied the apex, but the other two points of the triangle were held by Hindus and Muslims.

For the Congress, the establishment of Pakistan was a crushing blow to their claim of being a Nationalist organization. It meant that Muslims did not trust the Hindus as a majority community to be just and generous to Muslim interests and culture. Therefore, there has been a tendency on the part of the Congress leaders to attribute the creation of Pakistan entirely to the British policy of 'divide and rule.' Similarly, Muslim Leaguers would think that to accept the view that Pakistan was the product of the British policy of 'divide and rule' would not only belittle the tenacity and brilliant strategy of Jinnah and the Muslim League, but also question their thesis that Pakistan came into being because Muslims were a separate nation. Truth should lie somewhere between the two positions. The creation of Pakistan was probably helped by the British unwillingness to compose the differences between Hindus and Muslims. But in the main Pakistan was the end product of Muslim anxiety at first to attain cultural and political autonomy within the framework of a Federal India and later of their bold assertion that Muslims, being a separate nation, must have a sovereign state.

A view about the origin of Pakistan which has not been cogently expressed but is nevertheless popular among Muslims is to attribute its emergence to the intolerance

and exclusiveness on the part of the Hindu community in India. The argument is that just as caste Hindus have kept inferior castes at arm's length, the Hindu community, dominated by Brahmins, has always regarded Muslims, who came from outside and brought with them an alien culture, as *melechas* (unclean). Hindus have also remembered the alleged indignities and sometimes religious persecution that they suffered under Muslim rule in India. Jawaharlal Nehru himself has pointed out that many a Congressman was a communalist under a national cloak.[4] The latest verdict is that of a bitter opponent of the Muslim League, Maulana Abul Kalam Azad. He has pointed out that Jinnah cannot be blamed entirely for the turn of events that brought about the creation of Pakistan. It was Sardar Patel who had been communal minded from the beginning and later, as a result of the non-co-operative attitude of the Muslim League in the Interim Government, became convinced that Muslims and Hindus were separate nations and that partition was the only solution. According to Azad, if the Congress had shown sufficient patience and far-sightedness and followed Lord Wavell's advice on the matter, Pakistan would not have been inevitable.[5]

Muslims often take the view that since Hindus were the majority community, all generosity and far-sightedness should have emanated from them. It should also be stressed that the sense of Muslim separatism, which is a dominant theme in the Qur'an, was an equally potent factor which prevented the growth of a common Indian nationalism. In addition, memories of Muslim rule in India not only remained alive, particularly among the upper class Muslims, but were constantly used by them to impress upon the Muslim masses that Muslims, having ruled India, should not allow themselves to be ruled by the Hindu majority. It is because of such separatist tendencies and memories of former Muslim rule in India that one fails to notice any deep-seated or sustained love for India as their motherland on the part of the Muslim elite.

The fact that a large number of Muslims were descendants of Hindu forebears who had been converted is often advan-

ced as the most formidable argument against the existence of a separate Muslim nation. It is also suggested that there was hardly any cultural difference between Hindus and Muslims who lived in Indian villages. But Islam was not merely a religion confined to the sort of relationship that should exist between man and his God. It also signified a code of social ethics which implied a distinct way of life. How strong and comprehensive had been the influence of Islam on the culture of its converted followers was well demonstrated in what constitutes today West Pakistan. In that part of the country the dominant culture was clearly Islamic. As Sir Denzil Ibbetson observed: "Where that tone and feeling is that of the country beyond the Indus, as it is on the Panjab frontier, the Hindu even is almost as the Musalman."[6] It was true that as one moved away from the Indus basin the Islamic cultural stream lost some of its vigour and identity, except at Muslim cultural centres like those in the United Provinces and Hyderabad. But it must be noted that ever since the disintegration of the Muslim empire, Muslim religious reformers tried to purify Muslims of Hindu idolatrous customs and superstitions because they were against the spirit of Islam. The *Faraiziyah* movement among the Muslims of Bengal was perhaps the best example.

Another popular view regards Pakistan as solely the creation of Quaid-i-Azam Mohammad Ali Jinnah. It was his dogged determination and sheer fanaticism which brought about the partition of the sub-continent. Some even go so far as to say that had Jinnah died earlier, there would not have been Pakistan.[7] It was true that Jinnah's tenacity of purpose and superb organizing capacity were highly important contributory factors, but without intense Muslim consciousness and zeal for an Islamic state on the part of Muslim masses, Jinnah could not have created a Pakistan. Khilafat leaders like Maulana Muhammad Ali and Maulana Abul Kalam Azad and poets like Hali, Akbar Allahabadi, and Iqbal were mainly responsible for creating Muslim consciousness among the Muslim masses. Thus, when the message of Pakistan was brought to the masses, it fell on

fertile soil. Jinnah, who did not know Urdu, could not have achieved Pakistan without able and missionary lieutenants and without Islamic state as an intoxicating stimulant. One may even go so far as to say that the Muslim League, led largely by middle class Muslim leaders, would have probably come to some sort of a compromise on the issue of Pakistan had they not been swept off their feet by the intense Islamic fervour of the masses and the astounding success that the Muslim League achieved during the elections of 1945-46.[8] It has been reported that the Quaid-i-Azam himself never expected to see Pakistan in his lifetime.[9]

Each view taken by itself is a highly exaggerated account of the origin of Pakistan. Each, perhaps, played its role and Pakistan was brought about by a multiplicity of factors. But perhaps a dominant or decisive cause of Pakistan is that there has never taken place a confluence of the two civilizations in India—the Hindu and the Muslim. They may have meandered towards each other here and there, but on the whole the two have flowed their separate courses—sometimes parallel and sometimes contrary to one another.

The significance and reality of Pakistan has not been fully understood in the West. To the West, nationality based on religion is an alien and often incomprehensible phenomenon. This is because religion in the West has come to play such a restricted role. In the West, Germany and France are accepted as two separate nations. But the fact of Hindus and Muslims in India representing two separate cultural entities is seldom appreciated. A young French student may visit a family in Germany, strike up a friendship among them, share their meals, may attend the same church and even marry a girl in the family without creating a scandal or a surprise. But such instances of inter-marriages have been extremely rare in the Indian sub-continent. Even some of the most ardent Indian Nationalists have found the idea totally unacceptable. As Sir Abdur Rahim observed:

"Any of us Indian Muslims travelling for instance in Afghanistan, Persia, and Central Asia, among Chinese

Muslims, Arabs, and Turks, would at once be made at home and would not find anything to which we are not accustomed. On the contrary in India we find ourselves in all social matters total aliens when we cross the street and enter that part of the town where our Hindu fellow townsmen live."[10]

FOOTNOTES

1. Sir Jadunath Sarkar, *Shivaji and His Times* (Calcutta: Sarkar, 1952), p. 390.
2. Khaliq Ahmad Nizami (ed.), *Shah Waliullah Ke Siyasi Maktubat* (Aligarh, 1951), p. 106.
3. Altaf Husain Hali, *Musaddas-i-Hali* (Lahore & Karachi: Taj, n.d.), p. 5.
4. Jawaharlal Nehru, *An Autobiography* (London: The Bodley Head, 1958), p. 136.
5. Maulana Abul Kalam Azad, *India Wins Freedom* (Calcutta: Orient Longmans, 1959), see pp. 15, 177-178, 185.
6. Sir Denzil Ibbetson, *Punjab Castes* (Lahore: Government Printing Punjab, 1916), p. 14. See also Muhammad Miyan, *Jamiyat al Ulama Kia Hai?* (U.P.: Jamiyat al Ulama, n.d.), p. 45.
7. Michael Brecher, *Jawaharlal Nehru A Political Biography* (London: Oxford, 1959), p. 353.
8. The Muslim League did accept the Cabinet Mission Plan of 1946 which rejected the Pakistan scheme. The Muslim League withdrew its acceptance when the Congress acceptance of the Cabinet Mission Plan turned out to be a conditional acceptance with its own interpretations of the Cabinet Mission proposals.
9. Hector Bolitho, *Jinnah Creator of Pakistan* (London: John Murray, 1954), p. 195.
10. Cited in Sir John Cumming (ed.), *Political India* 1832-1932 (London: Oxford, 1932), p. 104. In order to explain his point the author has used the same illustration as Sir Theodore Morrison has done in Chapter V, "Muhammadan Movements" of the above book.

# II

## ANGLO-MUSLIM CONCILIATION AND THE BEGINNINGS OF HINDU-MUSLIM TENSION IN INDIA

## (1857-1914).

It has been suggested in the first chapter that the roots of Pakistan can be found in the pre-British period, but its full germination took place on the eve of the British departure from India. Since this part of the book is an attempt to portray the major contours of the modern Muslim separatist movement in India, it will be quite appropriate and useful to begin the story after the Mutiny of 1857.

No historian has as yet made a definite assessment of the exact Muslim role in the Mutiny. But all versions agree on two points. The British, being struck by the intense hostility of Muslims to British rule in Delhi and Oudh, were determined to enfeeble Muslims in such a way that they would not rise again. Secondly, the political future in such a context looked extremely bleak to Muslim leaders in India. The fiscal measure known as the "resumptions", whereby all land-holders had to show their title deeds, had deprived many Muslim land-holders of their estates. Next to land, military service had been their best source of income. Their alleged role in the Mutiny had dealt the final blow at this source as well. "A hundred years ago, the Musalmans", wrote Sir William Hunter, "monopolized all the important offices of state. The Hindus accepted with thanks such crumbs as their former conquerors dropped from their table. . ."[1] But Persian had ceased to be the official language under Lord William Bentinck (1828-35) and the result was that Muslims had lost their forte in administration. In 1871, in Bengal, of the 773 Indians holding responsible government jobs, the Muslims, even though their numbers

were approximately equal to Hindus in the province, occupied only 92 positions as compared to 681 held by the Hindus.

## I. Sir Sayyid Strikes a New Path

It was in such a sombre setting that Sir Sayyid Ahmad Khan (1817-98) emerged to guide the Muslims. Sir Sayyid had to wrestle against two forces. Muslims were not only defeatists in their outlook, but also sulky. Long before the Mutiny the Moghul princes had abdicated their political leadership to religious leaders. It was Sayyid Ahmad Barelawi (1786-1831) who had waged a *jihad* against the Sikhs in the Punjab and the Frontier. It was Shah Abd-ul-Aziz (1746-1824), the son of Shah Waliullah, who had issued the famous *fatwa* declaring that India had virtually come under Christian domination and therefore become a *dar-ul-harb* (zone of war).[2] Similarly, in East Bengal around 1831 there emerged the famous *Faraiziyah* movement, which was designed to rid Muslims of idolatrous and superstitious practices which they had imbibed from the Hindus. It was because of this that Sir William Hunter had described Muslim hostility to the British as a movement led by the *Wahhabis* and extending from the North-West Frontier to the remote and riverine East Bengal. And in a woeful vein he pointed out: "It has always seemed to me an inexpressibly painful incident of our position in India that the best men are not on our side."[3]

In earlier times Sir Sayyid was deeply impressed by the piety and yeoman services rendered by religious leaders to the cause of Muslims. His sentiments in this regard were expressed clearly in his *Asar-al-Sanadid*.[4]

Thus, political and religious leadership had gravitated towards religious reformers, and orthodox religious leaders, who having been worsted in their struggle against the British, were preaching against the encroachment of Western culture and the learning of Western languages and sciences. Sir Sayyid had, on one hand, to wrest political and intellectual leadership from this group and persuade Muslims to learn English and Western sciences and, on the

other, convince the British Government that in spite of the apparent Muslim resentment and hostility, Muslims were genuinely loyal to the British Government. His main purpose in doing the latter was to induce the British to change their policy of hostility towards the Muslims.

The technique and strategy that Sir Sayyid adopted in driving home some of these lessons to the Muslims were significant. He urged the Muslims to learn English not only because it was in their worldly interests to do so but also because it was the best way of defending their religion against Western attacks. He pointed out that Jews and Christians had ably and adroitly defended their sacred writings against the apparent discrepancies that had arisen between their religious doctrines and principles of science. Therefore, he pleaded, "Whilst other nations are so watchful and diligent, shall we not be equally so."[5] It must also be said to the credit of Sir Sayyid that he tried to understand the spirit and philosophy that lay behind English education. He made it clear that he was not merely interested in making Muslims good and efficient clerks or even administrative officers. For him, the real value of modern education lay in the fact that it was designed to improve character and social morals and make its recipients better citizens. Equipped with education, Muslims would thus be able to discharge their social obligations and work for the progress and welfare of their country.[6]

The problem which constantly engaged his attention was that of infusing a sense of profound loyalty to the British in the minds of Muslims. Again and again he pleaded with the Muslims that they should remain loyal to the British. He made it quite clear that Muslims owed their primary loyalty to the British Government, which had ensured peace and religious freedom in India. Muslims were not subjects of Sultan Abdul Hamid of Turkey. He was only a Muslim king and not their *Khalifa*.[7] He also pointed out that Islam was tolerant and respectful towards Christians and Christian doctrines. Differences between Muslims and Christians were almost like differences between Unitarians and Orthodox Christians. The Crusades had been basically

political and international wars and since they had been fought with Muslims, who professed a different faith, religious fervour had been injected into them.[8] These were all shrewd attempts on the part of Sir Sayyid to achieve two things. Firstly, he wanted to minimize all grounds of animosity which the Muslims were likely to harbour against the British. And secondly, he wanted to remove all doubts from the British mind that Muslims were not likely to be loyal to the British because their religion did not permit them to adopt such an attitude.

Another great service of Sir Sayyid which has not been sufficiently stressed by many historians and scholars was his attempt to initiate a religious reformation of Islam. He was sincerely convinced that unless Islam could satisfy its young educated followers that it was basically a rational religion it would not continue to evoke their loyalty. It is certainly true to say that Sir Sayyid was too much impressed by Western rationalism and wanted to show that every doctrine of Islam could measure up to all principles of science, reason and common sense. In doing this he was trying to be both a rationalist and a good Muslim. Thus he tried to explain Qur'anic references to Satan's revolt against God's command as regards paying his respect to Adam as a simile deliberately used to drive home certain moral lessons. There was no evidence in the Qur'an to support the usually accepted beliefs about the existence of *Jinns*. He pointed out that there was no reference to any miracles being performed by Muhammad in the Qur'an. Similarly, there was nothing in the Qur'an to suggest that Jesus was bodily lifted alive to the heavens. According to Sir Sayyid, it was usury which was forbidden in the Qur'an and not interest in the modern sense of the term.[9]

The Anglo-Oriental College which Sir Sayyid established in 1875 became the main vehicle of Muslim education and not of Islamic religious reformation. It was not only the orthodox *ulema* who vehemently disagreed with his religious views but also some of his own trusted lieutenants who were staunch in support of his educational policy. As Mr. A. Yusuf Ali has pointed out:

"Either English education was to be jeopardized by the preaching of religious views obnoxious to the community, or orthodox religious views were to be taught inconsistent with the promoter's views. The latter course was chosen, without bringing the matter to a definite issue".[10]

Many tributes have been paid to Sir Sayyid, particularly by modern educated Muslims for being daring enough to put forward such views in an age which was by no means liberal or tolerant. But what has not been stressed is the fact that Sir Sayyid in trying to marry reason with religion was not being influenced only by Western ideas. His was also a Moghul mind which at its best was catholic and eclectic. Moghuls had not only left behind brilliant architecture but also liberal scholarship. W. H. Sleeman, talking about Muslim education, wrote:

"After his seven years of study, the young Mahomedan binds his turban upon a head almost as well filled with the things which appertain to these three branches of knowledge, as the young man raw from Oxford—he will talk as fluently about Socrates and Aristotle, Plato and Hippocrates, Galen and Avicenna".[11]

## II. Sir Sayyid and the Indian National Congress

It has been alleged by a number of Indian scholars that Sir Sayyid's opposition to Muslims joining the Indian National Congress was largely inspired by British influence. In his pamphlet, *Causes of the Indian Revolt*, he had pleaded for the admission of Indians to Legislative Councils. How was it that he was totally against Muslims joining an organization, one of whose principal objectives was to work for an increasing measure of representative government?

It cannot be said that he was anti-Hindu. His views on Hindu-Muslim unity have been frequently quoted. He often described India as a beautiful bride whose two eyes were Hindu and Muslim. But what is often forgotten is the fact that to this picturesque description Sir Sayyid added the proviso that the beauty of India depended upon the fact that the two eyes shone with equal lustre.[12] As regards cow sacrifice, he went so far as to say that for the sake of unity

Muslims should be quite willing to give up slaughtering cows.[13]

Altaf Husain Hali in his biography of Sir Sayyid suggests that Sir Sayyid became suspicious about Hindu intentions after 1867 when they started campaigning in Benares, for the substitution of Hindi with its Devnagri script for Urdu with its Persian script as a court language. But in his writings Hali sees no inconsistencies in Sir Sayyid's attitude towards the Congress. He was friendly towards the Hindus but opposed to the objectives of the Congress. His reasoning was simple and familiar. He pointed out that the Congress objective of representative government meant that Muslims would be swamped by the Hindu majority. He was also vehement in his opposition towards Muslims joining the Congress because he feared, as he made clear in his letter to Budr-ud-din Tyabji, the first Muslim President of the Congress, that the logical outcome of Congress agitation would be violence in which Muslims, as in the Mutiny, would bear the brunt of the consequences.[14]

However, the reasoning that Sir Sayyid used against wholesale extension of representative government to India was prophetic. He pointed out that majority government was possible only where voters belonged to a homogeneous nation. Where they were not, as in the case of India, which was a continent and not a country, this would spell nothing but disaster to the Muslim minority.[15] In his speech in 1883 in the Governor-General's Council he pleaded: "The larger community would totally override the interests of the smaller community," adding at the same time the shrewd observation, "and the ignorant public would hold government responsible for introducing measures which might make the differences of race and creed more violent than ever."[16] It was significant that the dispatch from the Government of India in 1892 also described Indian society as "essentially a congeries of widely separated classes, races and communities with divergences of interests and hereditary sentiment," and suggested that such sectional opinions could be adequately represented only by the representatives

of these groups.[17] What is significant is that Sir Sayyid before the close of the nineteenth century was advancing the same views that came to be associated with Jinnah in his advocacy of Pakistan and the two-nation theory after 1940.

### III. Results of Sir Sayyid's Efforts to Promote Anglo-Muslim Friendship.

There is no doubt that Sir Sayyid was successful in persuading the Muslims to stay aloof from the Congress. Professor W. C. Smith disagrees with this view and quoting Budr-ud-din Tyabji's Presidential Address at the Congress of 1887 suggests that Sir Sayyid was not successful in preventing large numbers of Muslims from attending Congress sessions.[18] However, there is no convincing evidence to support this view. In the Congress session of 1886 there were only 33 Muslim delegates out of 431.[19] Sir Surendranath Banerjee also takes the view that the Congress in those days was not successful in attracting many Muslims to its sessions.

> "Our critics regarded the National Congress as a Hindu Congress, and the opposition papers described it as such. We were straining every nerve to secure the co-operation of our Mohamedan fellow-countrymen in this great national work. We sometimes paid the fares of Mohamedan delegates and offered them other facilities."[20]

Another attraction that was offered to the Muslims was the rule that no resolution affecting a particular community would be considered by the Congress if the delegates representing that community, even if they were in a minority, objected to it. In this way, a resolution urging the prohibition of cow slaughter suggested by a Hindu landlord of Bengal was disallowed at the Congress session of 1887.

It is very difficult to say at what precise point there took place a change in British policy towards Muslims in India. But it was clear that sometime in the seventies and eighties of the nineteenth century the British

Government realized that their policy towards the Muslims had perhaps been unduly hostile. It was in 1872 that Sir William Hunter published his famous book, *The Indian Musalmans.* In the concluding paragraph Hunter made it clear that the British Government would hold no parley with the conspirators. This was clearly a reference to those Muslims in the Frontier, Bihar and Bengal who were still thinking of defying the British *raj.* But at the same time, Hunter pointed out that the Government was determined to see that no legitimate grievances went unattended. "This, however, it can do only by removing the chronic sense of wrong which has grown in the hearts of the Musalmans under British rule."[21] Thus, in this sense Sir William Hunter could claim that his book might have brought about a significant change in British policy.

There was another Englishman, Wilfred Scawen Blunt, who visited India in 1883-84 and wrote a book, *India Under Ripon A Private Diary,* who also took credit for having "contributed something towards the cause I have made specially my own, that of the Indian Mohammedans". On his return to England, he persuaded Lord Randolph Churchill that Indian Muslims had not been justly treated. He thought that Churchill's visit as Secretary of State for India in 1885 marked a turning point in the official policy towards the Indian Muslims.[22]

How radical a change had taken place in British policy towards the Muslims in the eighties of the nineteenth century may be seen from the following statements: In 1843 Lord Ellenborough, writing to Lord Wellington, said, "I cannot close my eyes to the belief that that race (the Muslims) is fundamentally hostile to us and our true policy is to reconcile the Hindus."[23] On the other hand, Lord Dufferin, replying to a farewell address from the Mohammedan National Association of Calcutta of 1888, observed:

> "In any event, be assured, Gentlemen, that I highly value those marks of sympathy and approbation which you have been pleased to express in regard to the general administration of the country. Descended as you are from those

who formerly occupied such a commanding position in India, you are exceptionally able to understand the responsibility attaching to those who rule."[24]

## IV. Hindu Revivalist Movement

Hindu areas of India were exposed first to the impact of British ideas and culture. Universities of Calcutta, Madras and Bombay were established in 1857. Hindus had learnt Persian under the Moghuls and become proficient in it to handle various administrative posts. They applied themselves with the same diligence to learning English, the language of their new masters. It was not only intellectual penetration but also religious. The Christian missionaries produced no tangible impression on the Muslims. It was the Hindu mind which came directly and indirectly under their spell. This explains why there were such progressive reform movements as that of Raja Ram Mohan Roy among the Hindus whereas Muslim religious movements were mainly products of Shah Waliullah and the *Wahhabi* influence from Arabia. In addition Muslims were slow in reconciling themselves to the unpleasant fact that with the disappearance of the Moghul Empire their system of education with Persian as its medium of instruction could not be of any help to them in obtaining administrative posts under the British Government. This educational and intellectual imbalance created in the early stages persisted for a long time and was very largely responsible for the conflict and tension that took place between the two communities.

Towards the end of the nineteenth century one notices the emergence of a Hindu revivalist movement. It was perhaps more anti-Muslim than anti-British. But there is no doubt that it had substantial anti-British strains in it. One of the first and outstanding spokesmen of this movement was Swami Vivekananda (1863-1902). The great Swami's doctrine in substance was that Hindus should go back to the Vedas and that Hinduism was superior to the materialism of the West. This was militant nationalism couched in

religious terms. In his famous lectures in Chicago in 1893, he observed, "I have gone to the world to preach a religion of which Buddhism is a rebel child and Christianity a distant echo. . . ."[25]

In 1877 the Arya Samaj was established by Dayanand Saraswati (1827-1883) and its strongholds were mainly in Western and Northern India. It was a reformist movement whose aim was to purify Hinduism of some of its gross idolatrous practices. The founder thought that this would enable him to reconvert those Hindus who had been converted to Islam and Christianity. Like other reform movements, it glorified the Hinduism of the Vedas for "everything worth knowing, even in the most recent inventions of modern science, was alluded to in the Vedas. Steam-engines, railways and steam-boats—all were shown to have been known, at least in their germs, to the poets of the Vedas."[26]

Bankim Chandra Chatterjee, perhaps the most famous and popular of the novelists of Bengal, published *Anandamath* (The Abbey of Bliss) in 1882. The whole tenor of the novel was bluntly anti-Muslim. In the novel one comes across the community of children (children of Kali) who believed in no caste distinctions and whose sole purpose was to destroy every vestige of Muslim rule in India. One also sees Jivananda with sword in hand at the gate of the temple exhorting the children in the following words:

> "We have often thought to break up this bird's nest of Moslem rule, to pull down the city of the renegades and throw it into the river—to turn this pig-sty to ashes and make mother earth free from evil again. Friends, that day has come."[27]

The community of children in the novel went about burning Muslim villages, plundering Muslim property and killing Muslims in a wholesale fashion. What was interesting to note was that Hindu leaders in this novel made it quite clear that they were not fighting against the British Government, who had come to India to free the country from Muslim clutches. Towards the end, when the children had won against the Muslims, the holy man who was

guiding and inspiring the movement appeared and instructed the leader of the children to abandon fighting and co-operate with the British. The British in God's good time would purify the country and hand it over to the Hindus to rule it. It was in this novel that the famous song, "Bande Mataram," (Hail Mother) appeared. One can understand why the Muslims later (during 1937-39) objected vehemently to the Congress Governments adopting it as a national song.

Another revivalist movement with a strong political tinge was started in Maharashtra by Bal Gangadhar Tilak, a Chitpavan Brahmin. It was under a Chitpavan dynasty that the Maratha empire had reached its apex. Tilak's ideas were based on the teachings of the great Indian philosophical poem, the *Bhagavad Gita* or Song Celestial, and inspired by the cult of the Maharashtra leader, Shivaji. Tilak borrowed the idea from the Gita that killing one's enemy in the cause of duty was no crime. This idea had been put into practice by Shivaji, who ambushed and killed the Muslim general, Afzal Khan, by deception. According to Tilak, Shivaji had committed no crime in killing Afzal Khan and his methods should be employed to purge the country of *melechas* (unclean). In his journal, the *Kesari*, he wrote a remarkable article in which he portrayed Shivaji as returning to his native land and being horrified at what he saw. Tilak also opposed bitterly the passing in 1891 of the Age of Consent Act which prohibited cohabitation before a wife reached the age of twelve. The inevitable consequence was the formation of a "society for the removal of obstacles to the Hindu religion." Two Brahmin members of this society murdered two British officers engaged on plague duty in Poona. Two informers were also assassinated and Tilak was sent to jail for a short period.[28]

It may be pertinent to ask as to how Muslims could be expected to participate in the activities of the Indian National Congress which was very largely in the hands of Hindus of Bengal and Maharashtra. Whatever charges of divide and rule may be laid at the doors of the British Government, it has to be borne in mind that Hindus were

displaying anti-Muslim sentiments towards the end of the nineteenth century. Certainly it cannot be said that the British had encouraged the Hindus to start a Hindu revivalist movement. The author is not suggesting that the Muslims were free from all blame. Prior to the Mutiny, both Barelawi's and the *Faraiziyah* movements were intended to purify Islam as practised in India of Hindu superstitions and ideas. They continued, but they did not possess the vigour of the Hindu revivalist movements towards the end of the nineteenth century. Again, the British could certainly not be charged for having started a Muslim puritanical movement. The upshot of all this is that Muslim and Hindu religions were not religions in the Western sense of the term for the social and political lives of their followers were intertwined with their religious practices. It was not easy for such cultures to coalesce to produce a united Indian nation.

### V. THE PARTITION OF BENGAL

Speaking in the House of Lords in February, 1912, Lord Curzon disclosed that he was certainly not the author of the partition of Bengal for it had been discussed for twenty years before his day. The scheme as it took shape gave the impression that it was the old game of divide and rule. But the author has found no conclusive evidence which indicates that it was deliberately designed to disrupt growing Indian nationalism. First of all, Muslims in Bengal were too disorganized and backward to take an active part in Indian nationalism which was predominantly Hindu. Therefore, in this sense the British could not be accused of disrupting a united Hindu-Muslim nationalism when it did not exist. Where it hit Hindu nationalism was in the commercial and professional sphere. Quite understandably Hindu lawyers, merchants, and landlords were opposed to it because the partition was a blow at Calcutta's commercial and professional supremacy in Bengal. Creation of the new East Bengal province meant that some of the trade then coming

to Calcutta would gravitate towards Chittagong, and Calcutta lawyers would also lose their *clientele* to Dacca which would become the capital and the legal centre of the new province.

In April, 1902, Lord Curzon wrote to the Secretary of State regarding the question of provincial boundaries. In his opinion Bengal, with an area of nearly 200,000 square miles and with a population of 78½ million, was too large a charge for any single man. He also pointed out that the districts of East Bengal had been neglected and the neighbouring province of Assam was too small for efficient administration. But the administrators were fully acquainted with this problem and a discussion had been going on in their files for many months without the Viceroy knowing anything about it. When the departmental file reached the Viceroy's table a few days after his letter to the Secretary of State, it produced a typical Curzonian and caustic comment on departmentalism:

> "For fourteen months it never occurred to a single human being in the Departments to mention the matter or to suggest that it should be mentioned. Round and round like the diurnal revolution of the earth went the file, stately, solemn, sure, and slow; and now in due season it has completed its orbit and I am invited to register the concluding stage."[29]

One does not get an impression either from Sir Bampfylde Fuller or Sir Andrew H. L. Fraser, both of whom were principal architects of the partition scheme, that partition was anything other than an administrative device to tackle the administrative problem of a province which had become far too unwieldy.[30] It was at a later stage that Lord Curzon confronted with implacable opposition from the Hindu press and politicians, went down to Dacca to mobilize Muslim support for the scheme. In Dacca, the Viceroy declared that the city would become "the centre and possibly the capital of a new and self-sufficing administration which must give to the people of these districts by reason of their numerical strength and their superior culture the preponderating voice in the province so created,

which would invest the Mahomedans in Eastern Bengal with a unity which they have not enjoyed since the days of the old Mussulman Viceroys and Kings."[31] The Partition scheme was announced on September 1, 1905. The new province, called Eastern Bengal and Assam, consisted of Assam, Dacca Division, Chittagong Division, Hill, Tipperah, Rajshahi Division minus Darjeeling—an area of 106,650 square miles with a population of 31 million out of which 18 million were Muslims and 12 million were Hindus.

The Nationalists thought that this was a deliberate blow aimed at the growing solidarity and self-consciousness of the Bengali-speaking population. Taking a cue from the Chinese boycott of American goods, the Bengalis launched the *Swadeshi* movement whose sole purpose was to organize a boycott of British goods. The aim was to bring pressure on important textile interests in Britain who, the agitators thought, would in their turn pressure the home government into abandoning the Partition scheme. Hundreds of meetings were held and students took an active part in these demonstrations.

The fiery editorials that appeared in the local press indicate the kind of nationalism that had grown in Bengal. India was represented as *Kali*, the grim goddess, dark and naked, bearing a garland of human heads around her neck —heads from which blood was dripping. This was the state of India in which she was under the foreigners—first the Muslims and then the British. A Calcutta paper *Yugantar* (New Era) of May 30, 1908 wrote:

> "The Mother is thirsty, and is pointing out to her sons the only thing that can quench that thirst. Nothing less than human blood and decapitated human heads will satisfy her. Let her sons, therefore, worship her with these offerings, and let them not shrink even from sacrificing their lives to procure them. On the day on which the Mother is worshipped in this way in every village, on that day will the people of India be inspired with a divine spirit and a crown of independence will fall into their hands."[32]

All this resulted in no pitched battles between the British and the Bengali Hindus. The whole movement degenerated into political murders. The life of the Lieutenant Governor of Bengal was attempted four times, that of Lord Minto attempted at Ahmedabad, and the Political Secretary of Lord Morley, Secretary of State, was shot in London. A bomb intended for a District Magistrate in Bengal killed two English ladies. The perpetrator of the outrage was hailed as a hero. A Bengali public prosecutor was shot dead.

The movement took a clear anti-Muslim turn and was run and organized on Hindu lines. Hindu goddesses and gods were appealed to and oaths were taken in the temple of Kali. It was well-known that partition would benefit Muslims of East Bengal. Sir Bampfylde Fuller, who became Governor, referred in his book to the tremendous Muslim enthusiasm in favour of partition. Muslims attended Thanksgiving prayers to celebrate the establishment of the new province.[33]

If Hindu leaders thought that this was a deliberate move on the part of the British Government to sow the seeds of conflict between Hindus and Muslims, it was not too much to expect that they would put forward an alternative scheme whereby the legitimate grievances of Muslims in Bengal could be satisfied. Nothing of this kind was ever attempted. The movement from the beginning took a Hindu turn and the agitators appealed to Hindu sympathies. Even a highly educated and responsible editor like Aurobindo Ghose in an editorial in *Bande Mataram* wrote:

> "The ground work of what may well be called the composite culture of India is undoubtedly Hindu. Though the present Indian nationality is composed of many races, and the present Indian culture of more than one world civilisation, yet it must be admitted that the Hindu forms its base and centre . . . And the type of spirituality that it seeks to develop, is essentially Hindu."[34]

A highly sensitive Hindu writer, recording his impressions of those days, has pointed out that Hindus always carried

bitter memories of Muslim rule for its intolerance and oppression. But under the British administration there had emerged some friendly contacts between upper-class Hindus and Muslims, though the contempt for Muslim peasants continued unabated. After partition, all friendly contacts were torn asunder by the bitterness generated by the new political movement.

"A cold dislike for the Muslim settled down in our hearts, putting an end to all real intimacy of relationship. Curiously enough, with us, the boys of Kishorganj, it found visible expression in the division of our class into two sections, one composed purely of Hindus and the other of Muslims. We never came to know all the circumstances of this division. Whether or not the Muslim boys had also expressed unwillingness to sit with us, for some time past we, the Hindu boys, had been clamouring that we did not want to sit with the Muslim boys because they smelt of onions. . . .Compartmentalization by communities came into our education before it was introduced into our politics."[35]

## VI. Separate Electorates, All-India Muslim League, and the Annulment of Partition.

It was on October 1, 1906 that a delegation of about 70 Muslims led by the Aga Khan was received in the ballroom of the Viceroy's house at Simla by Lord Minto. The delegation had brought with it an address signed by "nobles, ministers of various states, great landowners, lawyers, merchants, and of many other of His Majesty's Mahommedan subjects." They asked for separate representation of Muslims in all levels of government—District Boards, Municipalities, and Legislative Councils. They drew the attention of the Viceroy to the fact that in the United Provinces, where Muslims constituted 14 per cent. of the population, they had not secured a single seat by joint franchise.[36] And if by chance they were to win any seats, Muslim candidates would have to pander to the views of

the Hindu majority and thus go against the interests of their own community. Lord Minto assured the delegation that he was entirely in accord with their case. Muslims had won separate representation for themselves.[37]

A fierce controversy has raged in India ever since the time that this concession was granted to Muslims. Maulana Muhammad Ali is reported to have characterised the delegation as a command performance, though it is well-known that later he put forward the view that separate electorates diminished communal bitterness.[38] Rajendra Prasad has taken great pains to prove that the delegation was engineered by Mr. Archbold, the British Principal of Aligarh College.[39] This was quite understandable. Sir Sayyid had tried to promote understanding between Muslims and the British Government and Mr. Archbold was, after all, a Principal of a Muslim college. Like his predecessors, he was extremely well-disposed towards Muslim interests. To show that the delegation was engineered by the British Government or officials is probably to suggest that Muslims were being supported by the British. This was quite true. But so was the establishment of the Indian National Congress largely inspired by British influence. And no less a person than the British Viceroy, Lord Dufferin, was behind the idea of the Congress being established on political lines, rather than it confining itself to purely social reforms. The latter was the idea of Mr. A. O. Hume, the founder of the Indian National Congress and a former Home Secretary of the Government of India. It was because of Lord Dufferin's influence that he abandoned it.[40] When Lord Dufferin was encouraging the formation of the Indian National Congress, he knew that the Congress would largely be a Hindu organisation for after all Muslims were nowhere in the political picture at that time. Thus, if the British could encourage the formation of a predominantly Hindu organisation, why could they not help the Muslims to embark on a similar political career? As it has been suggested above, the British Government probably felt guilty about the fact that they had been unduly hostile

to Muslims and that the time had come to bring about some kind of a balance in the growth of the two communities—Hindu and Muslim.

Probably where the Nationalists' case against British concession of separate electorates to the Muslims was at its strongest was that it was a deliberate attempt to sow the seeds of conflict between Hindus and Muslims. A British official is reported to have remarked at the time the Viceroy assured the Muslim delegation that they would get separate electorates, "It is nothing less than the pulling back of sixty-two millions of people from joining the ranks of the seditious opposition."[41] In order to establish this charge conclusively, one would have to prove two things. First, that the British foresaw the political development of India on British parliamentary lines whereby there would come into being in course of time a homogeneous electorate, mature enough to elect a government from two or three political parties. Secondly, that the British, having foreseen all this, were indulging in a game of dividing the electorate in order to postpone for as long as possible the transfer of political power. But all the evidence goes to suggest that the British Government at that time was firmly convinced that British parliamentary institutions could not be transplanted in India. And what was more, they did not regard India as a homogeneous nation, but a sub-continent inhabited by a number of nations. Lord Morley wrote to Lord Minto: "Not one whit more than you do I think it desirable or possible, or even conceivable, to adapt English political institutions *to the nations who inhabit India*" (author's italics).[42] Thus, in conceding separate electorates to Muslims it could be said that the British were not dividing a united nation, but were recognizing the existing multi-national character of India.

It was on December 30, 1906 that the All-India Muslim League was established. Leaders who played a prominent part in creating this organization at Dacca were Nawab Viqar-ul-Mulk, Nawab Salimullah of Dacca, and Mazhar-ul-Haque. Maulana Muhammad Ali was also present and was one of the principal draftsmen of the League Constitution.

The first resolution stated that the following were the three objectives of the League: (1) To foster a sense of loyalty to the British Government among the Muslims of India. (2) To look after the political interests of Indian Muslims. (3) To bring about better understanding between Muslims and other communities.[43] Dacca was chosen as the first meeting place because it was capital of the new province in which Muslims were in a considerable majority and also because Muslims at that time were concerned about the future of this new province in view of the persistent Hindu agitation against it.

Separate electorates were given constitutional recognition in the Indian Councils Act of 1909. Muslims were accorded not only the right to elect their representatives by separate electorates, but also the right to vote in the general constituencies. In addition, they were also given weightage in representation. In spite of these concessions, one could see how politically weak they were in the composition of Legislative Councils under the Act of 1909. In Bengal, where they were in majority, there were only 5 Muslim representatives out of 28 elected members. In the United Provinces, where they were in a minority, but where their position was politically stronger than it was in Bengal, they had 4 representatives out of 21 elected members. The great irony was Punjab where Muslims were supposed to be in majority and therefore not given any special protection under the Act. There were 8 elected members out of whom there was not a single Muslim.[44]

What was significant was that it was becoming increasingly apparent that Sir Sayyid had perhaps been much too over-cautious in advising the Muslims to stay aloof from political activities. W. S. Blunt, who had visited India, and besides being a friend of the Muslims, was also politically shrewd, had advised Muslims on many occasions in 1883-84 that Muslims should show their teeth in order to be feared and respected by the British.

> "I told them, if the Mohammedans only knew their power they would not be neglected and ill-treated by the Government as they now were. In England we were

perpetually scared at the idea of a Mohammedan rising in India, and any word uttered by a Mohammedan was paid more attention to than that of twenty Hindus. But, if they sat still, thanking Providence for the favours which were denied them, the English public would be only too happy to leave them as they were."[45]

When in the Delhi Durbar of December, 1911, it was announced in the name of the King Emperor that the partition of Bengal would be annulled, it became clear to the Muslims that the British Government, pressured by Hindu agitation, would not even leave the Muslim community "as they were." Disestablishment of the province of East Bengal meant that the Muslims would lose their strong majority position and be once again dominated by the more advanced Hindu community.

Lord Minto spoke of the repeated assurances that had been given to Muslims regarding the inviolability of partition in his speech in the House of Lords in February, 1912:

"We told the Musalmans that the Partition was a settled fact and we over and over again asserted that it must continue to be so. We assured the Musalman population of Eastern Bengal of our appreciation of their loyalty and our determination to safeguard their interests. I should think there could have been scarcely a Civil Servant in India who had not declared that it would be impossible for the British Government to reverse the decision it had come to as regards the maintenance of the Partition of Bengal."

A bitter jest which became popular among the Muslims of Delhi was 'no bombs, no boons.'[46] The years following the abolition of partition of Bengal were a turning point in the history of Indian Muslims. They began to wonder whether they had gone too far in both profession and practice of loyalty to the British Government. But, instead of coolly examining their position and future prospects, they tried to swing from one extreme to the other—from co-operation with the British to an emotional co-operation with the Hindus. Muslim suspicions, aroused by the revocation of partition of Bengal, were further strengthened after the

outbreak of the First World War when they found that the British Government was fighting against Turkey, which was the leading Muslim power. As early as 1913 the Muslim League formally adopted the Congress objective of self-government for India within the Empire. The culminating point was the Congress-League Lucknow Pact of 1916.

There is no denying the fact that no Muslim leader in the modern history of India has excelled Sir Sayyid in the great services that he rendered to his people. "Other men have written books and founded colleges; but to arrest as with a wall the degeneration of a whole people, that is the work of the prophet."[47] But in trying to build Aligarh Muslim College on the lines of an English university and in imparting an unadulterated English education to Muslim students, he not only made them less fanatical but also less sincere Muslims. W. S. Blunt, an admirer of Sir Sayyid, wrote:

> "I myself feel rather constrained with them, for one does not know whether to treat them as pious Mohammedans, or latter-day disciples of Jowett. Not that they are not extremely amiable, but there is a tone of apology in their talk to me, as much as to say 'we are not such infidels as you suppose'."[48]

But no one can better the satire on Sir Sayyid by Nazir Ahmad in his *Ibn ul Waqt* (The Opportunist) where the difficulties of a Muslim who was eager to adopt Western ways of living were vividly described. No translation can convey the subtlety with which Nazir Ahmad portrayed the characteristics of such a man and the qualms and contradictions that his conscience was plagued with. Nazir Ahmad pointed out that many Muslims who found the requirements of their religion too rigorous to follow welcomed such a leader.[49].

It was obvious that Western education, accompanied by imitation of Western culture, brought in its wake intellectual and cultural separation between the Muslim elite who were Westernized and loyal to the British Government, and the poorer classes of illiterate Muslims. Thus, according to Lady Minto's diary of 1910:

"The Aga Khan arrived to stay with us today. He seems to have had a triumphal progress through India amongst the Moslems. He says that the only real way to appeal to the feelings of Natives is by means of the superstitions of their religion, and consequently he has instructed the priests in every mosque to issue a decree that any Mahommedans who incite to rebellion, or go about preaching sedition, will be eternally damned."[50]

Western education created a chasm between Westernized Muslim leaders and those who were steeped in Islamic theology and thought. Muslim society thus came to be led by two rival groups of leaders—orthodox religious leaders, who were mostly ignorant of modern sciences and technology, and the modern educated classes who lacked Islamic fervour and had only a nodding acquaintance with their religion. Sir Sayyid was quite right when he suggested that religious reformation was essential. But who could undertake this task and build a bridge between Islamic traditions and Western sciences? Neither of the two groups of leaders was qualified to undertake such a task.

FOOTNOTES

1. W. W. Hunter, *The Indian Musalmans* (Calcutta: The Comrade Publishers, 1945), p. 161.
2. The *fatwa* is cited in *A History of the Freedom Movement*. Vol. I, 1707-1831 (Karachi: Pakistan Historical Society, 1957), p. 576.
3. W. W. Hunter, *Op. Cit.*, p. 136.
4. Chapter IV of *Asar-al-Sanadid*, which had Sir Sayyid's biographical sketches and comments on religious leaders like Sayyid Ahmad Barelawi and Shah Abdul Aziz, was deleted from subsequent editions of the book, which was first published in 1846. This chapter has now been republished in the recent edition brought out by Anjuman-i-Taraqqi Urdu of Pakistan.
5. A speech in Persian with translation into English on *Patriotism and Necessity of Promoting Knowledge in India* (Ghazeepore: The Mohamedan Literary Society, 1863), p. 13.
6. Sir Sayyid Ahmad Khan, *Akhree Mazameen* (Lahore; n.d.), p. 28.
7. *Ibid.*, pp. 32-33.
8. *Ibid.*, p. 56.
9. Altaf Husain Hali, *Hayat-i-Jawid* (Lahore: Punjab Academy Trust, 1957), pp. 604-609.
10. L. S. S. O'Malley (ed.), *Modern India and the West* (London;

Oxford, 1941), p. 401.
11. W. H. Sleeman, *Rambles of An Indian Official* (London: J. Hatchard, 1844), Volume II, p. 283.
12. Sir Sayyid Ahmad Khan, *Op. Cit.*, p. 70.
13. *Ibid.*, p. 71.
14. Altaf Husain Hali, *Op. Cit.*, p. 323.
15. Sir Sayyid Ahmad Khan, *Op. Cit.*, p. 46.
16. Cited in R. Coupland, *The Indian Problem* (New York: Oxford, 1944), Part I, p. 156.
17. *Ibid.*, p. 24.
18. W. C. Smith, *Modern Islam in India* (Lahore: Ripon Press, 1954), pp. 22-23. For a full text of Budr-ud-din Tyabji's speech at the Congress session of 1887, see *The Indian Nation Builders* (Madras: Ganesh, n.d.), Part II, pp. 129-143.
19. Haridas Mukherjee and Uma Mukherjee, *The Growth of Nationalism in India* (1857-1905) (Calcutta: Presidency Library, 1957), p. 164.
20. Sir Surendranath Banerjee, *A Nation in Making* (Madras: Oxford, 1925), p. 108.
21. W. W. Hunter, *Op. Cit.*, p. 140.
22. W. S. Blunt, *India Under Ripon A Private Diary* (London: T. Fisher Unwin, 1909), pp. 230-231.
23. Cited by A. R. Mallick, "The Muslims and the Mutiny", *The Listener*, May 30, 1957, p. 876.
24. Cited in *The Indian Annual Register* (Calcutta, 1937), Vol. I, p. 34.
25. Haridas Mukherjee and Uma Mukherjee, *Op. Cit.*, p. 114.
26. Edward Thompson and G. T. Garratt, *Rise and Fulfilment of British Rule in India* (Allahabad: Central Book Depot, 1958), p. 489.
27. Bankim Chandra Chatterjee, *Anandamath.* Translated by Nares Chandra Sen-Gupta (Calcutta; Padmini Mohan Neogi, n.d.), p. 78.
28. H. H. Dodwell (ed.), *The Cambridge History of the British Empire*, Vol. V. (London: Cambridge, 1932), pp. 549-550. Also, H. G. Rawlinson, *The British Achievement in India* (London; William Hodge, 1948), pp. 185-186.
29. Lord Ronaldshay, *The Life of Lord Curzon*, Vol. II (London: Ernest Benn, 1928), p. 321.
30. Sir Bampfylde Fuller, *Some Personal Experiences* (London: John Murray, 1930), pp. 123-125, and Sir Andrew H. L. Fraser, *Among Indian Rajahs and Ryots* (Philadelphia: J. B. Lippincott, 1912), pp. 317-324.
31. Cited in Haridas Mukherjee and Uma Mukherjee, *India's Fight for Freedom* (Calcutta: Firma K. L. Mukhopadhyay, 1958), p. 20.
32. Cited in H. G. Rawlinson, *Op. Cit.*, p. 186.
33. Sir Bampfylde Fuller, *Op. Cit.*, pp. 125-126.
34. Haridas Mukherjee and Uma Mukherjee, *'Bande Mataram' and*

*Indian Nationalism* (1906-1908) (Calcutta: Firma K. L. Mukhopadhyay, 1957), pp. 93-94.

35. Nirad C. Chaudhuri, *The Autobiography of an Unknown Indian* (New York: Macmillan, 1951), p. 232.
36. Cited in H. G. Rawlinson, *Op. Cit.*, p. 188.
37. Mary Countess of Minto, *India Minto and Morley* 1905-1910 (London: Macmillan, 1934), p. 47.
38. Afzal Iqbal (ed.), *Select Writings and Speeches of Maulana Mohamed Ali* (Lahore: Ashraf, 1944), p. 255.
39. Rajendra Prasad, *India Divided* (Bombay: Hind Kitabs, 1947), pp. 112-113.
40. B. Pattabhi Sitaramayya, *The History of the Indian National Congress*, Vol. I, (1885-1935) (Bombay: Padma Publications, 1946), p. 15.
41. Mary Countess of Minto, *Op. Cit.*, pp. 47-48.
42. John Viscount Morley, *Recollections*, Vol. II (London: Macmillan, 1918), p. 172.
43. A. B. Rajput, *Muslim League Yesterday and Today* (Lahore: Ashraf, 1948), pp. 19-20.
44. These figures are given in B. R. Ambedkar, *Pakistan or the Partition of India* (Bombay: Thacker, 1946), p. 242.
45. W. S. Blunt, *Op. Cit.*, pp. 103-104.
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47. Sir John Cumming (ed.), *Political India* 1832-1932 (London: Oxford, 1932), p. 88.
48. W. S. Blunt, *Op. Cit.*, p. 156.
49. Nazir Ahmad, *Ibn Ul Waqt* (Lahore: Sheikh Mubarak Ali, 1949), pp. 178-181.
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# III

## ATTEMPTS AT HINDU-MUSLIM UNITY (1916-1940)

Sir Sayyid Ahmad Khan visualized enormous advantages accruing to the Muslim community if it followed faithfully his policy of unqualified loyalty to the British Government. In the early years he was interested in changing the British policy from that of hostility and suspicion towards Muslims to that of good-will and support for their interests. Later, when he saw that the Hindu community was not only ahead of Muslims in educational and economic fields, but also getting organized to obtain parliamentary institutions, he was shrewd enough to detect that this would ultimately result in the Hindu majority dominating the future Government of India. Again, the sovereign remedy he prescribed for all such evils was loyalty to the British Government who would either refuse to concede the Hindu demand for representative institutions or protect the Muslims from the Hindu majority. Nawab Viqar-ul-Mulk (1841-1917), one of Sir Sayyid's loyal followers, who also became Secretary of the Aligarh College, observed:

> "We are numerically one fifth of the other community. If at any time, the British Government ceases to exist in India, we shall have to live as the subjects of the Hindus, and our lives, our property, our self-respect, and our religion will be all in danger . . . . If there is any device by which we can escape this, it is by the continuance of the British Raj, and our interests can be safeguarded only if we ensure the continuance of the British Government!"[1]

Muslims did derive a number of advantages from Sir Sayyid's policy. But it suffered from three major weaknesses. It could not succeed indefinitely because the British Government had their own interests to pursue and protect. Having tried to educate and influence Indians on Western

lines, the British Government could not indefinitely withhold from them parliamentary institutions. It soon became clear that they would not only have to concede representative government but also pay heed to the demands and grievances of the Hindus. Revocation of the partition of Bengal in 1911 was an example.

Secondly, as the Muslim community came increasingly under the impact of British education and culture, the educated Muslim elite felt that Hindus and Muslims should get together to evolve a common nationality and serve their country by awakening public opinion in support of political reforms. A man like Jinnah, who had studied closely the lives of British political leaders like Gladstone and Disraeli, probably was impatient to play a role in his country as great and useful as they had done in their's. There were two obstacles in the way of such people—the British reluctance to concede political reforms and the lack of any genuine understanding between Hindus and Muslims. And men like Jinnah, in struggling to surmount such obstacles, were going against the grain of Sir Sayyid's policy.

Thirdly, there was an anti-British tradition in Muslim religious thought which continued unabated among orthodox religious circles. It was not necessarily reactionary. It did not reject Western ideas out of hand. It felt that Muslims could form a political alliance with Hindus without either going against the dictates of their faith or their interests. Its best exponent was perhaps Maulana Shibli Nomani (1857-1914). He was followed by Maulana Abul Kalam Azad (1888-1958). Maulana Muhammad Ali (1878-1931) stood between the two schools, that of Westernized parliamentarians like Jinnah, and orthodox leaders like Maulana Shibli and Azad. As Jawaharlal Nehru described him, he was "an odd mixture of Islamic tradition and an Oxford education." As it will be seen later, it was Islamic fervour which always had the upper hand over Western rationalism in Muhammad Ali's personality.

However, the severe shock that the followers of Sir Sayyid received was the annulment of the partition of

Bengal in 1911. Even Nawab Viqar-ul-Mulk pointed out, "It is now manifest like the midday sun, that after seeing what has happened lately, it is futile to ask the Muslims to place their reliance on Government." But despite such a rebuff, he would not recommend what he called "the way to suicide", namely, joining the Congress as a result of such disappointments.[2]

Perhaps the most penetrating analysis of Muslim politics was given by Maulana Shibli in his series of articles entitled, *A Turning Point in Muslim Politics*.[3] Shibli's articles were stinging criticisms of the kind of political methods that the Muslim League pursued and its reactionary and short-sighted leadership. He said that Congress was engaged in pursuing a comprehensive and constructive economic and political programme. It demanded a wide measure of representative government, reduction in military expenditure, separation of the judiciary and the executive, increase in expenditure on social amenities like university and technical education, holding of Civil Service examinations in India, etc. The Muslim League, on the other hand, was interested in demanding a larger share for Muslims in Government services, extension of the principle of separate electorates to Municipal and District Board elections, protection of Urdu and a thorough investigation of Muslim waqfs, etc. For Shibli, pursuit of such sectional and communal interests was not a political programme in the true sense of the term. For him, politics meant organized political parties under progressive leaders. He pointed out that the Hindu Congress had never elected its Presidents from the titled and landed gentry, whereas the leadership of the Muslim League was completely in the hands of such people, who could never be courageous enough to sacrifice their selfish and material interests by taking a firm stand against the Government. He laid great stress on organization. He suggested that all issues of public importance should be brought before the general body of Muslims through public speeches, publications of pamphlets and journals, and also by forming branches of political parties in every district. Above all, Shibli was a great

believer in a concerted Hindu-Muslim effort to achieve some of these political objectives. He reminded Muslims of the bonds of unity which had prevailed between the two communities during the period of Muslim rule in India.

> "This was the old story. But even today go to the villages and see for yourself the brotherly feelings that exist between Hindus and Muslims, and how the two communities participate in each other's functions as if they were related to each other by family ties".[4]

Shibli's denunciations were not only levelled at the Muslim League, but at the very roots from which the Muslim League had sprung, namely, Sir Sayyid's policy of loyalty to the British and his advice to Muslims to keep aloof from the Indian National Congress.

Shibli's writings were bound to fall on attentive ears. Muslims were bitter about the revocation of the partition of Bengal and apprehensive that their prestige and influence would weaken as a result of the steady decline of Muslim powers like Turkey and Iran. The Muslim League itself was being transformed by the emergence of Westernized middle-class leaders like Sir Muhammad Shafi (1869-1932) from Punjab and Mohammad Ali Jinnah (1876-1948). Sir Muhammad Shafi represented the right wing section of the Muslim League and the left was led by Jinnah. In March, 1913, the Muslim League had come as far as "the attainment under the aegis of the British Crown of a system of self-government *suitable to India.*" (Author's italics). There was a motion to adopt the Congress formula of colonial self-government but it found no seconder.[5] And even Jinnah was unwilling to press for it, probably because there was hardly any chance for such a proposal being approved by a body which was dominated by extreme conservative and land-owning interests. Again, the League was trying to distinguish between the kind of unadulterated representative government that the Congress was agitating for and the sort of representative government modified by reservations and separate electorates that the Muslim League believed in. As stated

earlier, Westernized Muslim leaders like Jinnah were interested in working for a common Indian nationality. Both their education and admiration of British institutions made them believe that this was the objective that India should aspire for. Thus, writing about Jinnah's formal enrolment in the All-India Muslim League in the autumn of 1913, Mrs. Sarojini Naidu wrote:

> "His two sponsors were required to make a solemn preliminary covenant that loyalty to the Muslim League and the Muslim interest would in no way and at no time imply even the shadow of disloyalty to the larger national cause to which his life was dedicated."[6]

## I. The Congress-League Pact or Lucknow Pact of 1916

If the annulment of the partition of Bengal awakened Muslim fears, the attitude of Italy and the Balkan countries towards Turkey confirmed Muslim suspicions about the perennial hostility of Western powers towards Muslims. Both the *Comrade*, started by Maulana Muhammad Ali in January, 1911, and the *Al-Hilal* started by Maulana Abul Kalam Azad in June, 1912, were in the forefront in reminding Muslims of the identity of interests of Muslims all over the world. They pointed out that only by a united action could they counteract the machinations of Western powers. A Muslim medical mission called the Red Crescent Mission was sent to Turkey under Dr. Ansari to help that country in the Tripoli and Balkan wars. The comment of the London *Times* of this period was noteworthy:

> "Young Mohummadans have already condemned the work of years, have brought great injury to the cause of Islam in India; turning a wise, well-directed movement into political agitation, calculated rather to strengthen sedition than to advance the legitimate claims of Mohummadans"[7]

The Aga Khan was also getting alarmed because the Muslim League had come considerably nearer the Congress goal of self-government for India when it passed the resolution for a system of self-government suitable to

India in 1913. If this were to be pursued by gradual stages, he was not against it. "But if it meant a mere hasty impulse to jump at the apple when only the blossoming stage was over, then the day that witnessed the formulation of the ideal will be a very unfortunate one in the annals of their country."[8] He soon resigned the Presidentship of the Muslim League.

It seemed that the liberal or left wing of the Muslim League, led by Jinnah, was becoming increasingly powerful. It succeeded in persuading both the Congress and the Muslim League Parties to hold their annual sessions in Bombay in 1915. A large number of Muslims also felt that the British Government was turning against the Muslims once again. The British were not only fighting against Turkey in the war but also making Muslim soldiers in the Indian army fight against their fellow Muslim Turks. Muhammad Ali, Shaukat Ali, and Maulana Abul Kalam Azad had all been interned under the Defence of India Act and their papers suppressed under the Press Act. Thus this current bitter feeling against the British enabled Jinnah and Mazhar-ul-Huq to persuade the Muslim League to think in terms of coming to a long-term settlement with the Congress. The war was on and both the League and the Congress expected that the Government would soon be compelled to concede constitutional reforms to placate the political interests in the country. An unexpected incident made the League session perhaps look even more progressive than it actually was. Mazhar-ul-Huq, who presided over the Muslim League session, and Lord Sinha, who presided over the Congress session, had travelled to Bombay by the same train. Mazhar-ul-Huq, who was inclined to be very pro-Congress in his views, had probably no hesitation in showing his Presidential address to Lord Sinha, who also reciprocated such cordiality. According to one version, "By some unfortunate mistake, Lord Sinha read out the halting and hesitating address of the ever loyal Muslim, while the ever loyal Muslim read out the piquant and pungent address of the ever disloyal Bengali." The result was that in the Muslim

League meeting "the President of the session was decried as a man who cannot be called a Mohammadan".[9]

A resolution was moved by Jinnah calling upon the All-India Muslim League to appoint a committee entrusted with the task of formulating a scheme of reforms and authorized to confer with other political organizations. It was obvious that the League was moving away from its traditional and safe paths. Liberals and those forces who stood for India's constitutional progress and a settlement of the Hindu-Muslim problem were becoming increasingly influential. This meant that such a Muslim League could no longer be treated as a loyal supporter of the Government. On the contrary, it was likely to arouse the Government's suspicions. Jinnah was to complain later that the session of the All-India Muslim League in Bombay was allowed to be broken up under the very nose of the police.[10]

The atmosphere in Lucknow in 1916, where once again the All-India Muslim League and the Indian National Congress met to hold their annual sessions, was even more cordial. It was at Lucknow that the famous Congress-League Pact, otherwise known as the Lucknow Pact, was signed. As regards the brotherly feeling that existed between Hindus and Muslims at this time in Lucknow, no one can better Swami Shradhanand's description:

> "On sitting on the dais (Lucknow Congress platform) the first thing that I noticed was that the number of Moslem delegates was proportionately fourfold of what it was at Lahore in 1893. The majority of Moslem delegates had donned gold, silver and silk embroidered chogas (flowing robes) over their ordinary course (sic) suits of wearing apparel. It was rumoured that these 'chogas' had been put by Hindu moneyed men for Congress Tamasha. Of some 433 Moslem delegates only some 30 had come from outside, the rest belonging to Lucknow City. And of these majority was admitted free to delegate seats, board and lodging......A show was being made of the Moslem delegates. Moslem delegate gets up to second a resolution in Urdu. He begins:

Hozarat, I am a Mahomedan delegate. Some Hindu delegate gets up and calls for three cheers for Mahomedan delegates and the response is so enthusiastic as to be beyond description."[11]

Jinnah was the principal architect of the Lucknow Pact and was hailed as an ambassador of Hindu-Muslim unity. He presided over the League session at Lucknow in December, 1916. It seemed that the liberal wing in the League was in complete ascendency. Jinnah observed:

"Towards the Hindus our attitude should be of good-will and brotherly feelings. Co-operation in the cause of our motherland should be our guiding principle. India's real progress can only be achieved by a true understanding and harmonious relations between the two great sister communities. With regard to our own affairs, we can depend upon nobody but ourselves."[12]

The agreement arrived at between the Congress and the League was the famous Lucknow Pact and was largely a product of concessions offered from both sides. It was obvious that Jinnah was at his best in composing constitutional differences and offering compromise solutions likely to be accepted by both sides. Congress conceded separate Muslim electorates and was even agreeable to their introduction in Provinces like Punjab and the Central Provinces where they had not existed before. Muslims were to get nine-tenths of the seats in Punjab to which they were entitled on a purely numerical basis. The result was that their representation rose from 25 per cent. (under the reforms of 1909) to 50 per cent. (as a result of the Pact). In Bengal, Muslim acquisition on the basis of separate representation was not as impressive. They were given only three-quarters of the seats to which they were entitled on their population basis. The result was that they obtained only 40 per cent. of the seats. Mr. Fazl-ul-Huq was also a signatory of the Pact. Muslims were to complain later that particularly in Bengal (though also in Punjab) they were deprived of their majority position. The answer was that separate electorates had been conceded by the British to the Muslims as a minority. Therefore,

they were not entitled to have separate electorates in provinces where they were in majority. The Muslim complaint was that their majority in such provinces was not very large and also that they were backward and grossly under-represented even in these majority provinces. However, in Muslim minority provinces, Muslims obtained a representation almost double that of what they would have got on a purely numerical basis. Similarly, at the Centre they obtained one-third representation in the Council by separate Muslim constituencies. They, of course, had to give up their right to vote in general constituencies which had been accorded to them by the Reforms of 1909. The Congress also went so far as to concede that no bill or resolution concerning a community could be passed if three-fourths of the representatives of that community were opposed to it.

Most of these principles, as well as other constitutional features of the Lucknow Pact, were later incorporated in the Government of India Act, 1919. The Hindu-Muslim concordat of Lucknow was the high-water mark of Hindu-Muslim unity. It was obvious that it was all the work and creation of constitutionalists, both in the Congress and in the League. All this was to be swept away by tides which followed in the wake of the Amritsar tragedy and particularly the Khilafat agitation. During that time, constitutionalists like Jinnah were relegated to the background and men like Gandhi and Muhammad Ali, who were experts in extra-constitutional methods, were called upon to guide the political destinies of Hindus and Muslims.

### II. The Khilafat Movement—Intermingling of Religion and Politics

The Lucknow Pact showed that it was possible for middle-class, English-educated Muslims and Hindus to arrive at an amicable settlement of Hindu-Muslim constitutional and political problems. The Khilafat movement was to show that all this work could be swept aside within a few years as a result of the injection of religious problems into politics and mass participation in political

movements. Just as towards the end of the nineteenth century and during the time of Bengal partition Hindus had become acutely conscious of their separate religious and cultural identity, the Muslims also wanted to preserve and revive religious fervour to counteract both against Western cultural penetration and Hindu revivalism.

The reason why anti-British agitation became more prominent and submerged anti-Hindu consciousness was largely because of external factors. Western powers, including Britain, were moving into the vacuum created by the incompetence and weakness of the Turkish government in Eastern Europe and the Middle East. This is not denying the fact that men like Maulana Shibli and Abul Kalam Azad from the very beginning took an anti-British stand in politics and stood for Hindu-Muslim unity. But neither should the fact that their ideas fell on willing ears largely because of the anti-Muslim policy followed by Western powers in international politics be underrated. It was not only Turkey but other Muslim countries like Afghanistan and Persia which had been reduced to mere playthings in the hands of British and Russian diplomats. Persian independence, for example, was recognized by both Britain and Russia, but this did not prevent the two powers from dividing Persia into their respective spheres of influence, the north being under Russian influence and the south under British. The situation was well illustrated by a cartoonist who represented Persia as a Persian cat and the two powers as the British lion and the Russian bear. The bear said to the lion, 'You stroke the tail while I stroke the head and we can both stroke the back'.[13]

It was in such an atmosphere that Muhammad Ali's *Comrade*, started on January 1, 1911, and Maulana Abul Kalam Azad's *Al-Hilal*, started in June, 1912, came forward to awaken Muslims from the lull of loyalty to a furious indignation at the way Western powers were trampling the rights and interests of Muslims all over the world. Azad referred to "those heretics and hypocrites who, during the last forty years, had co-operated with the Satans of Europe to weaken the influence of Islamic

Caliphate and Pan-Islam."[14] The obvious reference was to the Aligarh movement, which in his own words, had "paralyzed the Muslims." As regards the Hindus, Azad's exhortation was as clear. He urged the Muslims to get rid of the fear of the Hindu majority. According to Azad, this had been deliberately planted in the minds of the Muslims by the British because they wanted to enlist Muslim support to consolidate their rule in India. And Muslims offered to play this role. The result was that Hindus were in the forefront of the struggle for Indian independence. Azad also warned that when historians would write the history of India's struggle for independence, they would have to say that Muslims, like lifeless puppets, danced to the tune of the British Government and obstructed the efforts of those who were fighting for their country's independence.

> "Remember that patriotism demands from Hindus that they should struggle for their country's independence. But for Muslims, this is a religious duty, a *jihad*. You are fighters of God's battle and *jihad* includes every endeavour which is made in the name of truth and freedom. Today those people (Hindus) who are engaged in a struggle for their country's progress and independence are also waging a *jihad*. You should have been in the forefront of this *jihad*. Therefore, arise! God also wishes that you should wake up and discharge your duty to wage *jihad* relentlessly. You have not done anything in India, but now your God desires that you should do here, too, what you are enjoined upon to do everywhere else."[15]

It was not only the ideas that Azad was propagating that were popular, but also the style in which they were conveyed contributed considerably to their currency and the intensity with which they came to be held. Within two years of its publication, the circulation of *Al-Hilal* was 26,000 copies per week.[16] This does not indicate the number of people who came to be influenced by the newspaper for in Pakistan and in India, as the practice still exists, a newspaper would be read aloud to a number of illiterate townspeople and villagers. Similarly, Muhammad Ali's

*Comrade* and *Hamdard* were also widely read. Zafar Ali Khan brought out the *Zamindar* of Lahore. According to one estimate, as many as 20,000 copies of this paper (twice a day) were in circulation.[17]

The antipathy to the British policy towards Turkey had also permeated the ranks of the Indian army in which Muslims formed a very high proportion. It has been reported: "The Turks set in their front line mullahs whose voice rang out across the narrow No-Man's land at Sannaiyat, and elsewhere, reproaching the Mohammedans opposite...Desertions were frequent, so were executions."[18] Desertions among the Pathans from the Tribal Area were more frequent than among the Punjabi Musalmans. The result was that recruitment from the Tribal Belt (independent zone between the administered area and the Durand Line) was almost abandoned during the inter-war period owing to Pathan desertions in World War I.[18a]. In contrast to this was the attitude of some of the members of the landed gentry like Nawab Sir Mohammad Akbar Khan, Khan of Hoti. *A History of the Hoti Family* proudly records that the Nawab of Hoti "rendered very valuable services at Gallipoli and was the only Muslim of a respectable family who fought in that theatre of war against the Turks. . . ."[19]. Hindu Jats from Punjab also came forward to fight the Turks, presumably because the Turks were Muslims.[19a]

Muhammad Ali and Shaukat Ali were imprisoned during most of the war period. Azad was arrested towards the end of 1916 and was in prison until December 31, 1919. But Muslim concern for the future of Turkey and bitterness towards the British were infecting the more cautious and Westernized Muslim Leaguers. Fazl-ul-Huq, in his Presidential address to the Muslim League session at Bombay in 1918, declared: "To me the future of Islam in India seems to be wrapped in gloom and anxiety. Every instance of a collapse of the Muslim powers of the world is bound to have an adverse influence on the political importance of our community in India." He also urged the Muslims to abandon their traditional hostility towards

Hindus and seek their co-operation, which was there for the mere asking, against the British bureaucracy.[20]

It was becoming increasingly obvious that one great result of Britain's anti-Turkish policy in the Middle East and repressive measures in India was to drive Hindus and Muslims into each other's arms. Thus they could forge a united front against the British Government. The British Prime Minister, Lloyd George, had given assurances that the Allies had no intention of breaking up the Turkish Empire and that after the cessation of hostilities, Turkey would be given back all its possessions. After his release at the end of 1919, Muhammad Ali led a deputation to Britain and tried to impress upon the British Government the fact that the Muslims could not disregard the commands of their Holy Prophet, who with his dying breath had bidden them never to surrender the *Jazirat-ul-Arab* (Arabia, Iraq, Syria and Palestine) to any non-Muslim government. Muhammad Ali argued that for Muslims to accept mandates over Iraq, Syria and Palestine would amount to a total disregard of the wishes of the Prophet. Muhammad Ali failed in his mission and returned empty-handed and bitter to India in October, 1920.

The British had already done everything possible to antagonize both the Hindus and Muslims by following a repressive policy in India. During the war all classes of Indians had co-operated with the British. Even Gandhi had taken part in a recruiting campaign urging the Gujarati peasants to win *Swaraj* by joining the army. They felt that the Report of the Rowlatt Committee, published in the summer of 1918, was a poor reward for the sacrifices that India had made, both in men and money, to support the British cause. The Committee suggested that in the event of the Government being faced with anarchical and revolutionary movements, the Government could deprive a man of his liberty and intern him for a long period. The Government argued that the Rowlatt Act was not such a drastic piece of legislation as it was made out to be by Indians. The Government could take action against any individual only after a report had been

received from a judicial officer concerning the case. And even after action had been taken, the Government had to submit within a month of such action the whole matter to an investigating authority consisting of three officers. The Rowlatt Report was published soon after the Montagu-Chelmsford Report which promised responsible government by measured stages. The two Reports were read together, and to the growing suspicion on the part of Indians that they had been tricked by the British, was added the anguish and tragedy of Amritsar.

Rioting started in Amritsar on April 10, 1919 following the deportation of two Nationalist leaders. It was true that two banks were attacked, and a few Europeans murdered. But the racial ferocity and complete callousness to human life that General Dyer displayed in opening fire on the densely packed crowd that had assembled in the Jallianwalla Bagh on April 13 have had few parallels in the history of British association with India. The number of people killed was 379 and the wounded numbered at least 1,200. This action was not only approved by the Provincial Government, but on the following day aerial bombing was resorted to at Gujranwalla where a crowd was burning and rioting. This was followed by the proclamation of Martial Law on April 15 which continued until June 9. A series of orders deliberately designed to humiliate Indians were passed. As the Hunter Committee recorded later, men were made to crawl while passing through the street where Miss Sherwood, a missionary, was attacked. At Gujranwalla they had to offer their salaams to any commissioned officer. Public flogging was resorted to for any minor offence like "the contravention of the curfew order, for failure to salaam a commissioned officer, for disrespect to a European, for taking a commandeered car without leave, or refusal to sell milk, and for similar contraventions."[21]

However much the British might be accused by Indian politicians for having always attempted to foment differences and conflicts between Hindus and Muslims, the British certainly did everything possible to force Hindus

and Muslims to unite against them in the period immediately following the end of the First World War. The first Khilafat Conference was held at Delhi on November 23, 1919. Gandhi was present and took upon himself the task of urging the Muslims to launch a non-co-operation movement for forcing the British to yield to their demands regarding the maintenance of the Khilafat in Turkey. Hindus had been invited by the Muslims to attend the Delhi Khilafat Conference. Similarly, in the conference held in June, 1920, at Allahabad non-Muslim leaders like Sir Tej Bahadur Sapru, Motilal Nehru, and Annie Besant were present. Gandhi, however, was the only Hindu leader who was prepared to take a clear and courageous stand as regards the Khilafat demands of the Muslims. He was the only Hindu leader included in the Executive Committee formed on June 9, 1920 to formulate a detailed programme of non-co-operation. On June 22, 1920 the Muslims sent a message to the Viceroy warning him that if the injustices imposed on Turkey were not removed by August 1, 1920, they would launch a non-co-operation movement. Again it was Gandhi who gave a notice to the Viceroy on July 1, 1920 that non-co-operation would start on the first of August. After this, Gandhi took upon himself the task of persuading the Congress to launch a non-co-operation movement in concert with the Khilafat Committees. Between August 1 and September 1, 1920 Gandhi went on an extensive tour of the country to rally the people behind the Khilafat cause.[22]

On September 8, 1920 Gandhi moved the historic resolution in the extraordinary session of the Indian National Congress at Calcutta. The resolution referred to the broken pledges of the British Government given to Muslims regarding the Khilafat, and also to the tragic events of April, 1919. The only way to prevent a repetition of such wrongs was "the establishment of *Swarajya.*" The policy of "progressive, non-violent, non-co-operation" was to be given effect to in the following manner:

(1) "surrender of titles and honorary offices and resignation from nominated seats in local bodies;

(2) refusal to attend Government Levees, Durbars,

and other official and semi-official functions held by Government officials or in their honour;

(3) gradual withdrawal of children from schools and colleges owned, aided or controlled by Government and in place of such schools and colleges establishment of National Schools and Colleges in the various Provinces;

(4) gradual boycott of British courts by lawyers and litigants and establishment of private arbitration courts by their aid for the settlement of private disputes;

(5) refusal on the part of the military, clerical and labouring classes to offer themselves as recruits for service in Mesopotamia;

(6) withdrawal by candidates of their candidature for election to the Reformed Councils and refusal on the part of the voters to vote for any candidate who may, despite the Congress advice, offer himself for election;

(7) boycott of foreign goods."[23]

B. C. Pall from Bengal, supported by other Bengalis, particularly C. R. Das, and leaders from other parts like Pandit Malaviya and Jinnah tried to oppose the resolution by suggesting that the masses should first be trained in the principles of non-co-operation before the actual launching of the movement. Pall also suggested that a mission selected by the All-India Congress Committee should be sent to the Prime Minister to lay before him India's grievances and its demand for immediate autonomy. Jinnah pointed out that he was not convinced of the practicability of Gandhi's scheme. He urged the delegates to take stock of the materials and forces of the country and follow the advice of C. R. Das, namely, to pause and consider the question carefully in all its aspects. Gandhi in his reply said that he had extended the hand of co-operation before but found no redress of the Khilafat and Punjab wrongs from the Government. It had become painfully clear to him that "the British Ministers or the Government of India had never meant well by the people of India." He reminded

the audience that the Muslims were determined to boycott the Councils. "Can the Hindus gain anything by a policy of obstruction if every believer in Islam boycotts the Council as he should boycott sin? This is a religious position. In Islam they consider it is sinful for them to go to the Councils and take the oath of allegiance. Let not practical India and practical politicians, who gather here from year to year, forget this settled fact."[24] Gandhi's resolution of non-co-operation was adopted by 1,886 votes in favour with 884 votes cast against it. Dr. B. R. Ambedkar has written: "The late Mr. Tairsee once told me that a large majority of the delegates were no others than the taxi drivers of Calcutta who were paid to vote for the non-co-operation resolution."[25]

Gandhi, accompanied by the Ali brothers and Azad, undertook another extensive tour of the country. In December, 1920, the Congress held its annual session at Nagpur. The Khilafat programme had become so popular that leaders like C. R. Das and Lala Lajpat Rai (from Punjab) had to come round to the non-co-operation programme. But nothing could swerve Jinnah from the constitutional path that he was determined to follow. When asked by Gandhi to contribute his share to the new political life, he wrote bluntly that Gandhi's programme would lead to disaster and bring about conflict between Hindus and Muslims. According to him, Gandhi's "extreme programme has for the moment struck the imagination mostly of the inexperienced youth and the ignorant and the illiterate. All this means complete disorganisation and chaos."[26] He conceded that the Government was entirely responsible for the current deterioration in the political situation. But on the other hand, he could not see how the movement could succeed. His approach was much too practical to be popular at a time when his community was surcharged with a religious zeal for the Khilafat and the whole country eagerly expecting that freedom was at hand and they had to make one final attempt to grasp it. He questioned the wisdom of withdrawing children from schools and colleges when no other institutions had been built to replace them and of boycotting foreign goods when

they could not be replaced by domestically produced goods. It was during the Calcutta session in December, 1920, that Jinnah resigned from the Congress.

The Khilafat movement was very largely a mass movement. It attracted Hindus and Muslims alike. The words 'Khilafat' and 'Swaraj' were on everybody's lips. 'Khilafat' was interpreted by rural people as a word originating from *khilaf*, which in Urdu meant 'against', and so they thought they were supposed to oppose the Government.[27] Hindu-Muslim unity was at its height. In 1921, at the time of the Baqrid (Muslim religious festival), Muslims voluntarily gave up the sacrifice of cows. Swami Shradhanand, one of the Hindu religious leaders, was allowed to enter the Jama Masjid of Delhi to deliver an address.[28]

But for Muslims it was primarily a religious movement. The *Jamiyat al Ulama-i-Hind* issued a *fatwa* signed by 925 eminent Muslim divines sanctioning the programme of non-violent non-co-operation.[29] Many Westernized Muslims who were "fondly proud of a well-trimmed moustache as a European girl of her curls, are now to be seen in some cases with the most ungainly beards turning grey with the dust of an Indian summer."[30] The movement was dominated, as it has been suggested earlier, by religious ideas and religious leaders. This was not only a breaking away from the tradition of loyalty to the British Government started by Sir Sayyid, but also a complete eclipse of the leadership of Westernized leaders like Jinnah, Sir Muhammad Shafi, and Sir Fazl-i-Hussain (1877-1936).

The idea that owing to the flagrant disregard of the law of Islam by the British Government, India had become a *dar-ul-harb* spread widely, particularly in the North-West Frontier and Sind. The result was that thousands of Muslims, as many as 18,000 in the month of August, 1920, itself and mostly from Sind and the North-West Frontier, migrated to Afghanistan. They had sold their land and property and with their wives and children made their long trek in carts in the direction of the Khyber Pass. They had been told that the Afghan Government would welcome them with open arms and fertile fields. Afghan authorities,

alarmed by such an enormous influx, were compelled to turn the *muhajarin* (emigrants) back. It is difficult to establish who was responsible for misleading such a large number of Muslims. According to one version, the idea of *hijrat* (migration) was originated by Maulana Abul Kalam Azad.[31]

It was on the 8th, 9th and 10th of July, 1921, that the All-India Khilafat Conference met in Karachi. Nearly 5,000 people were present. The famous Karachi resolutions, for which the Ali brothers had to face trial and imprisonment later, were passed. Some of the salient resolutions were:

"(1) This meeting of the All-India Khilafat Conference declares allegiance of the Muslim population to His Majesty the Sultan of Turkey, the Commander of the Faithful, and gives him an assurance that they would not rest content until they had secured complete fulfilment of the Khilafat demands.

(2) It records its sorrow at the death of Jan Mahomed who had led the Hijrat movement and sends its condolence to his family.

(3) It further congratulates those workers in Sind who have undergone imprisonment in the cause of their religion and country and hopes that their efforts will meet with success.

(4) This meeting of the All-India Khilafat Conference declares that so long as the demands of Indian Muslims regarding the integrity of the Khilafat and the preservation of the sanctity of Jazirat-ul-Arab and other holy places which are based upon their religious canons are not fulfilled, neither shall they rest in peace nor shall they leave it to the enemies of Islam; that the entire provinces of Thrace and Smyrna shall form the indissoluble components of the territories of the Turkish Sultan as they used to be before the war, and in no part of them shall Muslims tolerate the influence and interference of Greek or any other Power. The Muslims shall never agree to the

conditions the Allies wish to impose upon the Turkish Government, or on its military, naval and air forces, or in connection with the financial, economic or judicial administration, as that would tend to interfere with the complete independence of the Khilafat and the Sultanate. This Conference calls upon local committees to make fresh declarations to the above effect so that no doubt be left as to the religious obligation of the Muslims.

(5) Whereas Mesopotamia contains holy places, such as the burial places of the descendants of the Prophet and holy saints, and is in addition an integral part of the Jazirat-ul-Arab, the influence, residence or entrance of non-Muslim nations without the authority of Islamic Powers is not permissible by religion, and in case a colonisation of the above character comes about, it would conflict with their holy Shariat. The Mussalmans are convinced that the Americans (sic) would take advantage of their nearness to the holy places and revive their old enmities towards Islam. This Conference therefore demands that the above country be immediately vacated.

(6) This meeting of the All-India Khilafat Conference heartily congratulates Ghazi Mustafa Kemal Pasha and the Angora Government upon their magnificent victories and the success of their most desperate (or self-sacrificing) endeavours in upholding the laws of Islam and this meeting prays to Almighty God that they may soon succeed in expelling the whole of the armies of the foreign Government from every nook and corner of the Turkish Empire.

In addition this meeting clearly proclaims that it is in every way religiously unlawful for a Mussalman at the present moment to continue in the British Army or to induce others to join the army and it is the duty of all the Mussalmans in

general and the Ulema in particular to see that these religious commandments are brought home to every Mussalman in the Army.

Furthermore this meeting also announces that if the British Government were to take any military measures against the Angora Government, directly or indirectly, openly or secretly, then the Mussalmans of India will be compelled to commence the breaking of laws, that is civil disobedience, with the concurrence of the Congress and to proclaim in the complete independence of India and the Indians and the establishment of a Republic for the Government of India.

(7) This meeting of the All-India Khilafat Conference calls upon all local Khilafat Committees to devise measures to absolutely stop drinking within their districts, and congratulates the workers and volunteers of places where the liquor traffic has diminished and further commands to them to put forth their best efforts to achieve greater success.

(8) That this meeting of the All-India Khilafat Conference calls upon all Provincial, District and Village Committees to put forth their last efforts to enlist a crore of Khilafat members and collect 40 lakhs of rupees to relieve the distress in Smyrna and aid the Muhajirin Relief Fund.

(9) This Conference strongly appeals to the Pirs and Zamindars of Sind to take more interest in the Khilafat movement than they had done hitherto and request the former to command their disciples to do the same."[32]

It was transparent that the whole Khilafat movement had taken a religious turn, and it was extremely doubtful whether Muslims could conduct their agitation and demonstrations purely on non-violent lines. And as it will be seen later, neither could Hindus remain completely non-violent. Hindu leaders like Pandit Malaviya and Swami Shradhanand were apprehensive about Muslim intentions. It had been alleged that Muhammad Ali in one of his speeches had

said that if the Afghans were to invade India, Muslims would offer their help to them against the British. Later, when Muhammad Ali apologized for having given such an impression, he said that his apology was intended specifically for Pandit Malaviya who entertained fears of an Afghan invasion.[33] Swami Shradhanand was equally concerned about the Khilafat movement taking an anti-Hindu turn, even though it had started as an anti-British movement.

> "There was another prominent fact to which I drew the attention of Mahatma Gandhi. Both of us went together one night to the Khilafat Conference at Nagpur. The Ayats (verses) of the Quoran recited by the Maulanas on that occasion, contained frequent references to Jihad and against, (sic) killing of the Kaffirs. But when I drew his attention to this phase of the Khilafat movement Mahatmaji smiled and said, 'They are alluding to the British Bureaucracy.' In reply I said that it was all subversive of the idea of non-violence and when the reversion of feeling came the Mahomedan Maulanas would not refrain from using these verses against the Hindus."[34]

The Moplah rising in Malabar in August, 1921, was a clear indication of both the intensity and the confused nature of the Khilafat movement. The Moplahs claimed to be descendants of Arab settlers and were fanatically religious. The Moplahs rose against Hindu *zamindars* and moneyed interests and also against the British. It could be said that the exclusion of Khilafat and Congress leaders from the Moplah territory meant that the Moplahs were cut off from the influence of Gandhian ideas of non-violence and their movement, being deprived of supervision from experienced leaders, had to fall back on purely local resources and grievances. But it could not be denied that the rugged outlines of the movement were in tune with the kind of emotional and religious ideology that the Khilafat movement was propagating.

About the middle of August, 1921, agrarian riots broke out in Nilambur. Hindu *zamindars* redistributed their lands and the Moplahs, who had been suffering, rose in revolt. District authorities supported the rich landlords and the

Moplahs thought that they had no choice except to fight against this apparent Hindu-British alliance. Mullahs who were preaching the orthodox doctrines about *kaffirs* and *jihad* were arrested and a British regiment arrived at Tiruvangadi. All this contributed to the frenzy and a crowd of 3,000 Moplahs came by train and a pitched battle was fought between the British regiment and the Moplahs. The railway station was looted, rails were cut, and in a couple of days Ernad Taluk cut itself off from British territory and a Khilafat kingdom was declared. This was followed by the havoc at Tirur in which 10,000 Moplahs set fire to the police station and the courts and plundered all arms and ammunition. Several Europeans were killed and European planters had to flee their plantations before the advancing Moplahs. Hindu houses were sacked, temples desecrated and thousands of Hindus converted. It was also alleged that women were attacked. The Moplahs were not only rising against Hindu *zamindars* and money lenders but were also converting by force those Hindus who did not help them or were suspected of being in league with the Government. It has been estimated that throughout the campaign British troops suffered casualties of less than a hundred while about 4,000 Moplahs were killed in action and tens of thousands injured and captured. There was also considerable cruelty in the martial law administration that was declared on August 26, 1921. There was the notorious Moplah train tragedy. A hundred prisoners confined in a close and almost air-tight goods-van were transported by rail. When the door was opened, sixty-six Moplahs were found suffocated to death and the remaining thirty-four on the verge of collapse.[35]

In the Central Legislature it was disclosed that, according to the Madras Government, the number of conversions by force ran into thousands. But the Congress Working Committee did not want to hurt Muslim feelings by denouncing in too strong terms the Moplah outrages against Hindu religion, life and property. The Working Committee's resolution recorded its sense of deep regret over the deeds of violence perpetrated by the Moplahs in certain areas of Malabar, and referred to three cases of conversions forced

upon Hindus by a fanatic gang which had always been opposed to the Khilafat and non-co-operation movement. It has also been reported that Hindus in the Subjects Committee were shocked when an "out-and-out Nationalist" like Maulana Hasrat Mohani opposed the resolution on the ground that the Moplahs being in a state of war (their country *dar-ul-harb*), were justified in suspecting the Hindus of collusion with the British Government. "Therefore, the Moplahs were right in presenting the Quoran or sword to the Hindus. And if the Hindus became Mussalmans to save themselves from death, it was a voluntary change of faith and not forcible conversion".[36]

The Ali brothers were arrested in September, 1921. Azad was already in prison. Between December, 1921, and January, 1922, there were as many as 30,000 arrests.[37] According to Subhas Chandra Bose, "About the middle of 1920, anti-British feeling was stronger amongst the Mussalmans than amongst the rest of the Indian population."[38]

But from the very beginning it was detected by shrewd observers that the Hindu-Muslim unity as stressed by Khilafat leaders and Gandhi was not based on firm foundations. The impression that the author has gathered is that the Muslims were not so much fighting for freedom for India as they were fighting for the maintenance of the Khilafat in Turkey, whereas for Gandhi the Khilafat was a weapon which he could use to accelerate India's advance towards *Swaraj*. One of the main Karachi resolutions clearly stated that if the British Government were to take any arbitrary action against the newly established Angora Government, the Muslims of India would, in retaliation and in co-operation with the Congress, proclaim the complete independence of India and the establishment of a Republic of India. The obverse of such a threat would be that Indian Muslims would not participate in a struggle for India's independence, at least at that time, if the British Government refrained from undertaking any arbitrary measures against the new Government of Turkey.

Gandhi on the other hand felt that Hindus, by supporting

the Khilafat movement, would place Muslims in considerable indebtedness and thus mitigate their traditional hostility towards the Hindu religion. Thus Gandhi himself said: "I claim that with us both the Khilafat is the central fact, with Maulana Mahomed Ali because it is his religion, with me because, in laying down my life for the Khilafat, I ensure safety of the cow, that is my religion, from the Mussalman knife."[39]

Thus, it was not surprising that such a partnership could be buffeted from its nationalist course by any hostile wind that blew either from the Government side or the communalists. It was felt that Gandhi might have aroused Muslim suspicions by seeking an interview with the Viceroy, who was after all, in the words of Gandhi himself, the head of a "Satanic" Government. There were altogether six of these interviews in Simla between May 13 and 18, 1921. It was considered a diplomatic triumph for Lord Reading, who, through the good offices of Gandhi, was successful in extracting an apology from the Ali brothers for the violent speeches they had made.[40]

But the deadly blow came from the Moplah rising. This was followed by a number of communal clashes at Multan and Bengal in September, 1922, both on the occasion of the Muharram festival. Thus, Hindus felt justified in starting movements like the *Shuddhi* and *Sangathan*. The *Shuddhi* movement was started by Swami Shradhanand to reconvert to Hinduism the Malkhana Rajputs and other low castes, who, though they had embraced Islam, yet retained a number of Hindu customs and practices. Another factor which triggered this movement was the sudden realization by the Hindus after the publication of census returns in the United Provinces that their numbers were declining in comparison with the Muslims.[41] The *Sangathan* movement was sponsored by Pandit Malaviya with two objects in view—(1) to remove untouchability and (2) to popularize physical exercises and sword play among Hindus to enable them to protect themselves. Later Malaviya was willing to make a public announcement that he favoured the creation of intercommunal *akharas* (wrestling centres).[42] The *Shuddhi*

movement has been defended by Rajendra Prasad on the score that Hindus had as much right to proselytize as Muslims and Christians without realizing that, though retaliatory, the movement was extremely ill-timed and was bound to increase communal conflict and bitterness.[43] The murder of Swami Shradhanand, the founder of the *Shuddhi* movement in December, 1926, heightened Hindu-Muslim animosity and Hindus started threatening Muslims with reprisals. Muslims also started the *Tabligh* and *Tanzim* movements. It has been claimed that the *Jamiyat al Ulama-i-Hind* was successful in converting more than 2,000 non-Muslims and in winning back 11,000 apostates.[44]

In February, 1922, occurred the famous Chauri-Chaura tragedy in which twenty-one policemen were murdered. Gandhi had been dismayed by communal clashes, but this tragedy, though not communal at all, horrified him because his national volunteers were responsible for it and he called off the whole movement. This was to create intense bitterness among Congress leaders like C. R. Das and Motilal Nehru who formed the Swaraj Party. A few weeks after the suspension of the movement, the Government came to Gandhi's rescue, arrested him and sentenced him to six years' imprisonment. He was released two years later. But after 1923, Gandhi lived more or less in political eclipse and the Swaraj Party was in the ascendent until 1928.

Even though the Hindu-Muslim base of the Khilafat movement had been immeasurably weakened, the Government perhaps feared that Muslims were still capable of carrying on the Khilafat movement on their own steam. For, otherwise, one cannot understand why Lord Reading sent a telegram to Edwin Montagu, Secretary of State for India, recommending not only a revision of the harsh terms of the Treaty of Sevres, but also the evacuation of Constantinople by the Allies and giving back to the Sultan Thrace and Smyrna and his former suzerainty over the Holy Places. The telegram reached the Secretary of State on March 1, 1922 and on the same day he was asked in a second telegram from the Government of India to give permission to publish their recommendations immediately. The Secretary of State

privately telegraphed his consent, an indiscretion for which he had to offer his resignation later.[45] Lord Curzon protested that his hands had been weakened by the publication of such recommendations "claiming far more for the Turks than even in their wildest moments they have dared to ask for themselves..."[46]

However, during the later negotiations at Lausanne during 1922-23 the Turks were not so much interested in claiming their Sultan's suzerainty over the Holy Places as they were in obtaining possession of the Vilayet of Mosul for its strategic and oil value. And again, their case was based on the claim that the people in the Vilayet were of Turkish origin. The Turks also suggested that the Kurds were also of Turkish race. Lord Curzon's counter arguments were again designed to prove that the Turks who lived in Mosul were not Osmanli Turks and that the Kurds were a people of Iranian race who spoke an Iranian language.[47] All such arguments couched in racial terms must have occurred very strange to Indian Muslim leaders like Muhammad Ali and Azad, if they had bothered to follow the proceedings of the conference. Here were Muslims in India prepared to lay down their lives for the maintenance of the *Khalifa's* sovereignty over the Holy Places in Arabia, Iraq, Syria and Palestine. And Turkish representatives, on the other hand, who were in a fairly strong position because they had driven the Greeks from Turkey, were prepared to hand over Arab lands as good riddance as mandates of the League of Nations to Britain and France. On March 3, 1924 the final and deadly blow was struck at the Khilafat movement by Ghazi Mustafa Kamal Pasha who exiled the *Khalifa*. Abd-ul-Majid, and abolished the Khilafat.

Thus, the Khilafat movement, being deprived of its main motive power, was bound to collapse. Professor W. C. Smith has observed: "It had petered out because it was a wrong ideology, romantic and out of touch with actualities."[48] Professor F. Rahman suggests, "... It was, perhaps more semi-consciously, a bid for finding Muslim security in a future independent India over against a non-Muslim majority."[49] All this was true. But there was something more than this

in the Khilafat movement. The Khilafat movement was the first and the only movement in which both Hindus and Muslims had played a joint role on a mass scale. But as suggested earlier, freedom of India was not the first and only objective of the Muslim struggle. Muslims seemed to suggest to the Hindus through the Khilafat movement that they could become passionately interested in the freedom of their country only if it ensured the safety and glory of Islam both in India and Muslim countries. No one was more acutely aware of this than Gandhi.

> "We both have now an apportunity of a life-time. The Khilafat question will not recur for another hundred years. If the Hindus wish to cultivate eternal friendship with the Mussalmans, they must perish with them in the attempt to vindicate the honour of Islam."[50]

And as it will be seen later, even a highly Westernized leader like Jinnah could evoke such tremendous support for Pakistan because he said that the freedom of a united India might bring about Hindu domination and endanger the safety of Islam.

Some of the Muslim League historians have tried to paint Gandhi as the arch-villain who deliberately directed the Khilafat movement with the sole purpose of causing maximum harm to Muslim interests and Muslim solidarity. His first aim was to persuade them to leave the Muslim League, and having succeeded in destroying their political organization, he carefully planned their educational and economic ruination. Thus Muslim lawyers and litigants boycotted the courts, and students and teachers deserted their schools and colleges. The Muslim community, which was already economically and educationally backward, was made to lag behind still further. Even the migration that thousands of Muslims undertook was a trap set by Gandhi. "The land of the *rishis* was being rid of the *malechhas*! Here was the crux of Gandhi's programme. Well might he rejoice over it!"[51] Another verdict based on the same premises was: "Everything destructive of Mussalmans had the Mahatmaic blessing of Gandhi."[52]

It is not quite fair to lay the whole blame on Gandhi and

accuse him of having planned methodically the political and economic ruination of the Muslim community. Surely, what Muslims were being called upon to do was in conformity with what their leaders thought were Islamic injunctions. If a political power like the British were waging war against the Muslim *Khalifa*, it was the sacred duty of Muslims in India either to paralyze that Government or migrate from the country. This code of action was not something which Gandhi had prescribed, but had come down to Muslims not only from their religion but also from the practices and traditions of Muslim leaders like Sayyid Ahmad Barelawi and Shah Abd-ul-Aziz.

It has also been suggested that though Gandhi was quite willing to let Muslims make tremendous sacrifices for the sake of the Khilafat and of India's independence, he did not demand the same services from Hindus. Thus, he was quite keen on the Aligarh University declaring its independence of Government control and grants, but did not do anything to persuade the Benares Hindu University to follow the example of Aligarh.[53] This argument does not take into account the fact that Gandhi did not exercise a complete and dominant hold over Hindus in the early twenties. He had recently emerged as an outstanding Congress leader, but he was trying to unite moderates and extremists in the Congress and to make the Congress a national organization. Congress had been divided before Gandhi's time; sometimes it was under the control of moderate leadership like that of Gokhale and sometimes under the influence of extremists like Tilak. It was Gandhi's role to unite these factions and guide them along a united course of action. Similarly, as it has been suggested earlier, he also tried to reassure Hindus of Muslim loyalty to India whenever orthodox Hindus insinuated that Muslims had extra-territorial loyalties and that in following the Qur'anic injunctions, they could turn against all non-Muslims, the British and Hindus alike.

Muslim leaders like Abul Kalam Azad and Muhammad Ali were responsible for exhorting Muslims to sacrifice their material possessions and interests for the sake of Islam. Azad's rhetoric created the climate for mental vacuity in

which Muslims did not calculate the consequences of their actions.

"Muslims should neither think of politics nor education, should neither praise freedom nor get entangled in the shackles of slavery. They are not supposed to think or decide on these things. It was God who had to decide on these things and He has decided. Their duty is only to act strictly in accordance with the commands of God which are incorporated in the Qur'an. They should empty their minds of all man-made ideas and national sentiments and surrender themselves to the instruction and guidance of the Supreme Educator. If Islam invites them to participate in politics, they should immediately get involved in it. If it tells them to keep aloof, then they should immediately withdraw from it. If Islam says that slavery and sycophancy are the two real means to achieve welfare, then Muslims should become living embodiments of slavery. If Islam says that freedom and demanding one's rights are the only sources of a nation's life and honour, then Muslims should immerse themselves in the struggle for freedom...Muslims have no desires of their own, no plans, no policy. Their desire and policy is to act completely according to the dictates of Islam."[54]

In such an intellectual climate it was relatively easy for Khilafat leaders and the *ulema* to ask the Muslims to give up their jobs, boycott the law courts, withdraw from the army and police, and even migrate from the country all in the name and defence of Islam.

Azad's autobiography, published recently, states that soon after he reached the age of sixteen, that is during 1904-05, his views regarding religion underwent a radical change. He started asking: "Why should each religion claim to be the sole repository of truth and condemn all others as false?" He "passed from one phase to another and a stage came when all the old bonds imposed on my mind by family and upbringing were completely shattered."[55] But in 1911-12 in the *Al-Hilal*, he was exhorting Muslims to pin their complete faith to Islam because it was the repository of all that was good and true in worldly and spiritual

life. There was no need for them to adopt a political or an economic programme when Islam gave eternally valid answers to all these problems. This shows that either he had reverted back to Islam or he was deliberately using Islam to excite Muslims into taking a vigorous anti-British stand in partnership with Hindus in Indian politics. As for Maulana Muhammad Ali, he admitted in the Indian Round Table Conference, "Where Islam and India are concerned, I am mad."[56]

The author is not suggesting that Abul Kalam Azad and Muhammad Ali should bear the entire blame for not having foreseen the consequences of the Khilafat movement. Both Muslims and their leaders thought and functioned in such emotional terms and Islam, as they understood it from the Qur'an, also beckoned them to place complete trust in God and not to think of the consequences or the strength of their enemy if their action and conduct were righteous and guided by highest motives.

Perhaps it is unfair to judge the roles of men like Azad and Muhammad Ali in terms of the consequences of their actions and pronouncements for they were political agitators and revolutionaries and not shrewd politicians. Azad always chastised Muslims for being timid and following the lead of Sir Sayyid when God commanded them to be fearless and struggle for truth and justice. It is only after the emergence of Jinnah as the dominant leader that Muslim politics becomes a politics of both methods and objectives. Jinnah could put on both dresses with equal ease. He could appear as a fiery Muslim Nationalist before the masses. And he could also function as a hard and shrewd negotiator with the Viceroy and Congress leaders.

## III. The Nehru Report and Jinnah's Fourteen Points

As it has already been stated, Jinnah was opposed to Gandhi's non-co-operation movement on the plea that the Congress leaders had not considered carefully the practical consequences of such a movement. In the Nagpur session of the Congress in December, 1920, protesting against the non-co-operation programme, he declared, "Mine is the right

way—the constitutional way is the right way." Jinnah must have been equally opposed to the exuberance of uncontrolled and often misguided energy generated by the Khilafat movement. Jawaharlal Nehru has written:

"He felt completely out of his element in the khadi-clad crowd demanding speeches in Hindustani. The enthusiasm of the people outside struck him as mob-hysteria."[57]

In the annual session of the All-India Muslim League at Lucknow in March-April, 1923, Jinnah's resolution recommending entry into Councils and striving for attainment of Dominion Status was vigorously opposed in the Subjects Committee by Dr. Ansari and other leading Khilafat and non-co-operation leaders. It was reported that Jinnah's motion was rejected because many members of the Committee were absent. In the open session, both the parties, those who supported Jinnah, and those who were in favour of continued non-co-operation, were evenly balanced.[58]

As it has been indicated earlier, Jinnah believed passionately in the constitutional progress of his country. This, he thought, could only be built on the bedrock of Hindu-Muslim unity. Thus, if he opposed the temerity of non-co-operators, he was equally against the timidity of conservative Muslim leaders like Sir Muhammad Shafi. A major source of friction with the conservative section was Jinnah's emphasis on Hindu-Muslim unity and his persistent efforts to bring about such a settlement. All this crystallized on the issue of opposition to the Simon Commission. The British Government announced the constitution of a Commission under Sir John Simon in November, 1927. The Commission, which had no Indian members on it, was being sent to investigate India's constitutional problems and make recommendations to the Government on the future constitution of India. The Congress decided to boycott the Simon Commission and accept the challenge of Lord Birkenhead, Secretary of State for India, to produce a constitution acceptable to the various elements in India. There was a clear split in the Muslim League. Sir Muhammad Shafi, who enjoyed the support of the Government and who wanted to co-operate with the Commission, decided to hold the Muslim League session in

Lahore in December, 1927. The other faction, whose moving spirit was Jinnah, and which stood for the boycott of the Commission, held the Muslim League session at the same time in Calcutta. In the Calcutta session of the All-India Muslim League it was resolved that the Muslim League Council should appoint a Sub-Committee to confer with the Working Committee of the Indian National Congress and other organizations with a view to drafting a constitution for India. The Muslim League session also made it clear that it stood in favour of the following proposals:

1. The formation of a separate Province of Sind.
2. Introduction of reforms in the N-W.F.P. and in Baluchistan on the same footing as in other provinces.
3. Unless and until the above two proposals were implemented, the Muslims would never surrender the right of their representation through separate electorates. Muslims would be willing to abandon separate electorates in favour of joint electorates with reservation of seats fixed in proportion to the population of different communities, if the above two proposals were implemented to the full satisfaction of Muslims and also if the following proposals were accepted:
4. Hindu minorities in Sind, Baluchistan and the N-W.F.P. would be accorded the same concessions in the form of reservation of seats over and above the proportion of their population as Muslims would get in Hindu majority provinces.
5. Muslim representation in the Central Legislature would not be less than one-third.
6. In addition to provisions like religious freedom, there was to be a further guarantee in the constitution that on communal matters no bill or resolution would be considered or passed if a three-fourths majority of the members of the community concerned were opposed to it.[59]

It was significant that no mention was made of Punjab or Bengal in the above proposals. It had always been

the contention of Muhammad Shafi that Muslim majorities, particularly where they were narrow as in Punjab and Bengal, were being sacrificed in order to get more seats for Muslims than were due to them on the basis of their population in Hindu majority Provinces. It must also be emphasized that under the influence of leaders like Jinnah, Muhammad Ali, and Sir Ali Imam, Muslims were prepared under certain circumstances to abandon separate electorates.

The policy of the British Conservative Government in Britain was to keep the initiative firmly in their hands and not to let it be seized by the Congress or Muslim Nationalist leaders like Jinnah. A clear evidence of this may be found in Lord Birkenhead's letter to the Viceroy, Lord Reading, in February, 1928.

> "I should advise Simon to see at all stages important people who are not boycotting the Commission, particularly Moslems and the depressed classes. I should widely advertise all his interviews with representative Moslems. The whole policy is now obvious. It is to terrify the immense Hindu population by the apprehension that the Commission having been got hold of by the Moslems, may present a report altogether destructive of the Hindu position, thereby securing a solid Moslem support and *leaving Jinnah high and dry.*" (Author's italics).[60]

Thus, here was an opportunity for the Congress to negotiate with Jinnah and arrive at an amicable and firm settlement with the Muslim League that Jinnah and Muhammad Ali represented. If the Congress had followed such a course, they could have isolated the conservative factions in the Muslim League like those led by Muhammad Shafi and supported by the British. But the Nehru Report produced precisely the opposite result. It drove the two factions in the Muslim League to unite.

It would not be fair to suggest that the entire Congress leadership was avowedly anti-Muslim. There is considerable evidence to show that men like C. R. Das and Motilal Nehru did try to pursue a non-communal policy. But the anti-Muslim elements in the Congress and among Hindus triumphed in the end and forced the Congress to follow a

strong policy towards the Muslims.

In the special session of the Congress at Delhi held in September, 1923, leaders like C. R. Das and Motilal Nehru succeeded in persuading the Congress to allow those Congressmen who were eager to enter the Legislatures to stand as candidates. They felt that Gandhi's methods of non-co-operation had been tried and found not very successful. They felt that the Nationalists should capture the Councils and paralyze the Government by withholding supplies and passing motions of no-confidence. This created two factions in the Congress; the Swaraj Party or 'Pro-Changers', which stood for contesting the elections and for entering the Councils, and the 'No-Changers' who followed Gandhi and were in favour of continuing the boycott policy.

In the first elections that were held towards the end of 1923, C. R. Das created a stir in Bengal. He was not only an undisputed leader of the Hindus but also succeeded in creating a profound impression on the Muslims. Bengali Muslims, who constituted slightly more than 50 per cent. of the population, held barely 30 per cent. of the posts under the Government because of their backwardness. C. R. Das made a dramatic announcement when he declared that this disparity would be rectified under Congress rule when 60 per cent. of all new appointments would be offered to the Muslims until such time that they would achieve adequate representation according to population in the Services. He was even more generous in the matter of Muslim share of Services under the Calcutta Corporation where he said 80 per cent. of new appointments would be offered to Muslims. But the Swarajists entered the Councils to wreck the Government and not to form one. C. R. Das died on June 16, 1925. After his death, Hindu communalists became dominant. And as Maulana Azad has written, "The result was that the Muslims of Bengal moved away from the Congress and the first seeds of partition were sown."[61]

It was also significant that in the United Provinces and in Punjab, Hindu communalism was emerging as a dominant force in the Congress. Commenting on the elections of 1926, Motilal Nehru wrote to his son:

"It was simply beyond me to meet the kind of propaganda started against me under the auspices of the Malaviya-Lala gang. Publicly I was denounced as an anti-Hindu and pro-Mohammedan but privately almost every individual voter was told that I was a beef-eater in league with the Mohammedans to legalise cow slaughter in public places at all times."

In the same letter he went on to assert: "The Malaviya-Lala gang aided by Birla's money are making frantic efforts to capture the Congress. They will probably succeed as no counter effort is possible from our side".[62]

It might seem strange that Motilal Nehru, who was so concerned and gloomy about the communal situation towards the end of 1926, did not seem to display much caution and tact in tackling the communal problem in the Nehru Report in 1928. He was confident that, "barring a few die-hards of the Shafi school", Punjab would agree with the recommendations of the Report. As for Bengal, he relied on Maulana Abul Kalam Azad, who had assured him of even better results in that Province. Thus, he thought that having disposed of the Hindu-Muslim question in Punjab and Bengal, "all that will then remain to settle the Hindu-Muslim question in the rest of India will I expect be easily settled by throwing a few crumbs here and there to the small minorities."[63]

The Nehru Report was an answer to the challenge thrown to Indians by Lord Birkenhead that the composition of the Simon Commission had to be purely British because Indians were incapable of arriving at an agreed solution as regards the constitutional problem of India. The Committee which was called upon to draft a constitution for India consisted of Pandit Motilal Nehru (Chairman), Sir Ali Imam and Mr. Shuaib Qureshi (Muslims), Mr. M. S. Aney and Mr. M. R. Jayakar (Mahasabha), Mr. G. R. Pradhan (non-Brahmins), Sardar Mangal Singh (the Sikh League), Sir Tej Bahadur Sapru (Liberals), Mr. N. M. Joshi (Labour), and Jawaharlal Nehru as Secretary.[64]

The Report referred to what it considered the illogical fear of Muslims of being dominated by the Hindu majority. But

what was significant was the way Muslims were thinking of tackling this problem. They had made a novel suggestion that "they should at least dominate in some parts of India." Hindus, on the other hand, in spite of enjoying All-India majority, were fearful of Muslim majorities in Bengal, Punjab, Sind, Baluchistan and the North-West Frontier Province. But the Report ended on an optimistic note saying that once alien authority and intervention were withdrawn from India, people would start thinking in terms of the larger economic and political problems. In such a climate, political parties based mainly on economic grounds were a natural outcome.[65]

The Report conceded Muslim demands for the formation of separate Provinces of the North-West Frontier and Sind. Probably as a sort of compensating concession to the Hindu community, the Report suggested the creation of a new Canarese-speaking Province in Southern India. But on the issue of electorates, the recommendations of the Report were bound to antagonize most of the Muslim vocal interests. The Report not only rejected separate electorates, but also weightage for minorities. Reservation of seats was accorded to Muslims at the Centre and in the Provinces in which they were in a minority and to no other group except the non-Muslims in the North-West Frontier Province. But all this was to be in strict proportion to the size of the community. "A minority must remain a minority whether any seats are reserved for it or not." Muslims had always complained that even in Punjab and Bengal, where they enjoyed a small majority, they were educationally and economically so backward that without separate electorates and reservation of seats they would be in an extremely weak position. The Report tried to show by detailed examination of the distribution of the Muslim population in the various districts of Punjab and Bengal that Muslims without reservation of seats could certainly expect to have elected majorities at least in proportion to their numbers in these Provinces.

The Centre was to be constructed on a unitary basis. The Lower House was to be elected by general constituencies and the Upper House, though elected by Provinces, did not

have equal representation for each Province. Thus, the Muslims could feel that the autonomy accorded to them in Muslim majority Provinces was weakened by a unitary Centre. And because of the absence of separate electorates and reservation of seats, they were not even sure of their majority in Punjab and Bengal. It was obvious that Muslim leaders were not likely to accept these proposals. According to the supplementary Report of the Committee, the Aga Khan had gone so far as to advocate independence for each Indian Province by suggesting that the position of each Province must be similar to that of Bavaria in the former German Confederation rather than that of an American state or a Swiss canton.[66]

Soon after the All-Parties Conference in Lucknow in August, 1928, (which met to consider the Report), Shaukat Ali expressed what, perhaps, a number of Muslim leaders felt about the Report. "As a young man, he said, he had been a keen owner of greyhounds, but he had never seen greyhounds deal with a hare as the Hindus proposed to deal with the Muslims."[67]

A Convention of all parties known as the All-Parties Conference met in Calcutta in the last week of December, 1928, to consider the Nehru Report. Jinnah, who was at that time President of the Muslim League, put forward his famous Fourteen Points, which were amendments to the Report, before the open session of the Conference on December 28, 1928. His basic amendments were:

1. In the Central Legislature Muslims should have one-third representation.
2. That the residuary powers shoud vest in the Provinces and not in the Centre.
3. That Muslims in Punjab and Bengal should be represented on the basis of population for ten years subject to subsequent revision of this principle.

Jinnah pleaded for statesmanship and cited constitutional precedents in countries like Canada and Egypt where, he said, political adjustments were made not on a population basis, but on principles of equity. Jinnah's proposals were

rejected *in toto.* M. R. Jayakar, the Hindu Mahasabha leader, pointed out that Jinnah, after all, represented only a small minority of Muslims and there was no guarantee that if the Convention agreed to his proposals, the rest of the Muslim community would abide by such an agreement. He also warned that, having with great difficulty restrained his Mahasabha supporters from rebelling against the Nehru Report, it woud be impossible for him to persuade them to accept any more concessions to Muslims.[68]

The result was that the refusal to accept any amendments to the Nehru Report on the part of the Congress and Hindu leaders at the All-Parties Conference united the different factions of Muslims in the All-India Muslim Conference held in Delhi under the Presidentship of the Aga Khan on January 1, 1929. Some of the noteworthy features of the Resolution passed in this Conference were:

1. The only form of government suitable to Indian conditions was a federal system with complete autonomy and residuary powers vested in the constituent states.
2. Muslims should not be deprived of the right to elect their representatives through separate electorates without their consent.
3. Muslims should continue to have weightage in the Hindu majority Provinces and they were willing to accord the same privilege to Muslim minorities in Sind, the N-W.F.P. and Baluchistan.
4. Muslims should have their due share in the Central and Provincial cabinets.
5. Muslim majority in all Muslim majority Provinces (presumably with particular reference to Bengal and Punjab) should in no way be disturbed.[69]

Muslim demands were given a more cogent presentation in the famous Fourteen Points of Jinnah, an earlier draft of which had been presented before the All-Parties Conference in December, 1928. The final draft of these Points was in the form of a resolution which Jinnah intended to move at the meeting of the All-India Muslim League on March 28, 1929. According to this resolution, no scheme for the future

constitution of the Government of India would be acceptable to Muslims unless and until the following basic principles were incorporated in it:

1. "The form of the future Constitution should be federal with the residuary powers vested in the Provinces.
2. A uniform measure of autonomy shall be granted to all Provinces.
3. All Legislatures in the country and other elected bodies shall be constituted on the definite principle of adequate and effective representation of minorities in every Province without reducing the majority in any Province to a minority or even equality.
4. In the Central Legislature, Mussulman representation shall not be less than one third.
5. Representation of communal groups shall continue to be by means of separate electorates as at present: provided it shall be open to any community, at any time, to abandon its separate electorate in favour of joint electorate.
6. Any territorial redistribution that might at any time be necessary shall not in any way affect the Muslim majority in the Punjab, Bengal and the North-West Frontier Province.
7. Full religious liberty, i.e. liberty of belief, worship and observance, propaganda, association and education, shall be guaranteed to all communities.
8. No Bill or resolution or any part thereof shall be passed in any Legislature or any other elected body if three-fourths of the members of any community in that particular body oppose such a Bill, resolution or part thereof on the ground that it would be injurious to the interests of that community or in the alternative, such other method is devised as may be found feasible and practicable to deal with such cases.
9. Sind should be separated from the Bombay Presidency.

10. Reforms should be introduced in the North-West Frontier Province and Baluchistan on the same footing as in other Provinces.
11. Provision should be made in the Constitution giving Muslims an adequate share, along with the other Indians, in all the Services of the State and in local self-governing bodies having due regard to the requirements of efficiency.
12. The Constitution should embody adequate safeguards for the protection of Muslim culture and for the protection and promotion of Muslim education, language, religion, personal laws and Muslim charitable institutions and for their due share in the grants-in-aid given by the State and by local self-governing bodies.
13. No Cabinet, either Central or Provincial, should be formed without there being a proportion of at least one-third Muslim Ministers.
14. No change shall be made in the Constitution by the Central Legislature except with the concurrence of the States constituting the Indian Federation."[70]

When one reads the Nehru Report, one wonders as to why an experienced politician like Motilal Nehru could flout the views and interests of Muslims. Several answers are possible. Muhammad Ali attributed the indifference of the Nehru Report to Muslim interests to the political surrender of Motilal Nehru and Gandhi "for the sake of their popularity to the Hindu Mahasabha."[71] It is no doubt true that the Congress Party in the late twenties was not a unified machine. It had been split in 1923 between 'Pro-Changers' and 'No-Changers'. Gandhi's influence was not easily available because he had voluntarily and shrewdly withdrawn himself from political activities. Jawaharlal Nehru and Subhas Chandra Bose were busy building up their support in youth movements and pressuring the Congress into taking a clear stand on complete independence as against Dominion status. Faced with such divisive forces, it was not easy for Motilal Nehru to produce a Report which satisfied most of

the Muslim grievances. If he had yielded to Jinnah's amendments, it would have meant that he was yielding to one of the factions of Muslims, thereby antagonizing considerable Hindu sections. Muslims were not only disunited, but there were Muslim leaders like Dr. Ansari, Abul Kalam Azad and Abdul Kadir Kasuri (Punjab) who were in whole-hearted agreement with the proposals of the Nehru Report.

But it must be emphasized that Motilal Nehru stood solidly behind his Report not merely because it was politically wise to do so. His intellectual and ideological sympathies were in complete accord with the spirit of the Report. He was a lawyer who believed in a liberal, democratic and constitutional government. To him, separate electorates were not only antithetical to all essential principles of responsible government, but had also accentuated the animosities that prevailed between the two communities. Indeed, even Jinnah, had he not aligned himself with Muslims in politics, would have fully reciprocated such sentiments. It was while giving evidence before the Parliamentary Select Committee in 1919 that Jinnah had given expression to such views. When he was asked whether he wished to see complete elimination of political distinctions between Muslims and Hindus, his answer was, "Yes; nothing will please me more when that day comes."[72] In the author's opinion, herein lay the crux of the problem. Leaders like Motilal Nehru in their total adherence to Western modes of thinking and forms of government were not taking into account the peculiar and unique political conditions in India. India was a heterogeneous sub-continent and in order to solve its problems, they were drawing on the practices and traditions of a unitary and homogeneous country like the United Kingdom. Jinnah realized this mistake later. But the Congress persisted in following the same course. This was clearly demonstrated in 1937 (as it will be seen later), when Motilal Nehru's son, Jawaharlal Nehru, took a firm stand against the inclusion of Muslim League representatives in the Provincial Cabinet of the United Provinces on the plea that it should be a homogeneous and united team and not a weak coalition Cabinet.

Jinnah also learned a bitter lesson from the All-Parties Conference of 1928. He had played the role of a compromiser and negotiator successfully in composing Hindu-Muslim differences at Lucknow in 1916. He thought in 1928 he could play the same role in negotiating a compromise. But he was bluntly reminded that he had no right to speak on behalf of the Muslims because he did not represent them. There he learnt the lesson that political leadership did not rest merely on one's forensic ability to plead a political case. It also depended on political strength, that is, the actual support that one had among the masses of people. It was only when Jinnah acquired a large political following among Muslims and with his political astuteness (like Gandhi), succeeded in uniting different factions and interests of Muslims that he became a leader who was respected and feared by his opponents because he could veto any proposal that was not acceptable to the Muslim League.

## IV. Widening of the Chasm (1930-1940)

1. *The Round Table Conference and the Government of India Act, 1935.*

Since the Simon Commission was composed purely of British members, attempts were made to consult Indian opinion as fully as possible. Such attempts did not meet with much success because of the Congress and League boycott (though the Shafi wing of the League co-operated). At a later stage the British Government assured Indian leaders that they would hold a Round Table Conference to which representatives of both British India, Indian States and British political parties would be invited. It may also be pointed out that Lord Irwin, while announcing the decision of the Government in October, 1929, to hold such a Conference, also made the historic declaration wherein he stated on behalf of the British Government that the natural issue of India's constitutional progress was the attainment of Dominion status.

The Congress Party wanted a clear commitment from the Government that the purpose of the Round Table Conference would be to draft a scheme for Dominion

status which would be implemented by the British Government. The Viceroy made it clear that the British Government would give no such undertaking as the Conference was being called to elicit the greatest possible measure of agreement for the final proposals which, again, would have to be submitted to Parliament for its approval. Whereupon the Congress at its annual session at Lahore in November, 1929, decided that the Congress would not take part in the proposed Round Table Conference. The resolution also declared that the word 'Swaraj' in Article 1 of the Congress Constitution would signify complete independence and that the entire scheme of the Nehru Committee Report had lapsed. The Congress also decided to withdraw from the Central and Provincial Legislatures and boycott future elections. On January 26, 1930, Independence Day was celebrated and the resolution which was circulated by the Working Committee to be adopted in public meetings said, "We hold it to be a crime against man and God to submit any longer to a rule that has caused this four-fold disaster (economic, political, cultural and spiritual) to our country." The people were called upon to prepare for civil disobedience, including non-payment of taxes. The campaign of civil disobedience began in March-April, 1930.

It was significant that Muhammad Ali called upon Muslims to remain aloof from the Congress movement at a meeting of the All-India Muslim Conference at Bombay in April, 1930. His denunciation of the Congress and Gandhi was as follows: "Mr. Gandhi is working under the influence of the communalist Hindu Mahasabha. He is fighting for the supremacy of Hinduism and the submergence of Muslims."[73] This was strong language and this view of Congress and Gandhi, as we shall see later, became the official and accepted view of the Muslim League under Jinnah. This bitterness also cast its shadow over the Round Table Conference. Gandhi was absent in the first session, November-January, 1931. He was present in the second session of the Round Table Conference in the autumn of 1931, after having suspended the civil disobedience movement in accordance with the agreement reached between himself and Lord Irwin.

In the Round Table Conferences there took place a long and bitter conflict as regards the number of seats that minorities should be given in various legislatures. Sir Muhammad Shafi asked for 33 1/3rd per cent. representation for Muslims in the Central Legislature of British India. He argued that even though Muslims constituted a little over 25 per cent. of the population of British India, yet so far as defence of the country was concerned, they bore the major burden. The logic was that seats could not be distributed among the various communities on the basis of pure numbers. Other factors, like the historical importance of the community and its share in the defence of the country, should be taken into account. This was reminiscent of the way the Aga Khan had put forward the Muslim case before Lord Minto in October, 1906. Similarly, Shafi argued strongly for Muslim majority representation in Punjab and Bengal now that the Provinces were to be given provincial autonomy.[74] But no agreement could be reached on the question of minority representation. Gandhi tried his best, but "with deep sorrow and deeper humiliation" he announced "utter failure to secure an agreed solution of the communal question." Even after their return to India, a representative body of the delegates to the Round Table Conference continued their efforts at Simla to arrive at an agreement on the communal question, but failed.

On August 16, 1932 Prime Minister Ramsay MacDonald announced the Communal Award. As regards separate electorates, the Prime Minister's statement said that "Government had to face facts as they are, and must maintain this exceptional form of representation." Muslim representation in various Provinces under the Award was as follows:[75]

| Province | Muslim Percentage of Population | Total Number of Seats | Number of Seats Reserved for Muslims |
|---|---|---|---|
| Madras ... ... | 7.9 | 215 | 29 |
| Bombay excluding Sind ... | 9.2 | 175 | 30 |

| | | | |
|---|---|---|---|
| Bengal ... ... | 54.7 | 250 | 119 |
| The United Provinces ... | 15.3 | 228 | 66 |
| The Punjab ... ... | 57.0 | 175 | 86 |
| The Central Provinces ... | 4.7 | 112 | 14 |
| Assam ... ... | 33.7 | 108 | 34 |
| Sind ... ... | 70.7 | 60 | 34 |
| N-W.F. Province ... | 91.8 | 50 | 36 |
| Bihar and Orissa ... | 10.8 | 175 | 42 |

The Sikhs, who were 13.2 per cent. of the population of Punjab, secured 32 seats in an Assembly of 175 members. The Hindu Depressed Classes were given a number of special seats to be filled from special Depressed Class electorates in the areas where these voters were concentrated. Gandhi in protest undertook a fast unto death and in September, 1932, an agreement known as the Poona Pact was arrived at between Dr. B. R. Ambedkar and Gandhi. According to this Pact, seats were reserved for Depressed Classes in various Provinces on a more generous scale than those awarded by the Communal Award. For each of these seats, a panel of four Depressed Class candidates would be elected by the Depressed Classes. These four members would be candidates for election to each such reserved seat and the candidate from these four would be elected by the general non-Muslim electorate. In this way, Gandhi was successful in avoiding what he considered the defection of Depressed Classes from the Hindu community.

Another conflict was concerning the powers of the Centre. The Muslim position was that the residuary powers, that is, the domain over subjects not explicitly allocated to the Centre or the Provinces or to the concurrent jurisdiction of both, should rest with the Provinces. The Hindus were in favour of such powers being vested in the Centre. It may be noted that according to Section 104 of the Government of India Act, 1935, the residuary powers were vested in the Governor-General to be exercised in his discretion.

The Government announced their decisions after considering the various views put forward in the Round Table Conferences in the form of a White Paper in March, 1933. In April, a joint Committee of both Houses under Lord

Linlithgow as Chairman was set up to consider the White Paper proposals and make recommendations regarding the future government of India. The Committee sat for eighteen months and examined numerous witnesses and also consulted a fairly representative delegation from British India and Indian states. The latter included men like the Aga Khan, Sir Tej Bahadur Sapru and Dr. Ambedkar. In December, 1934, the Government introduced a bill based on the recommendations of the Joint Select Committee. On August 4, 1935, the bill, having been passed by the Parliament, received the Royal Assent. And thus, the Government of India Act, 1935, came into being.

Elections for the Indian Legislative Assembly, which was still functioning under the provisions of the Government of India Act, 1919, were held towards the end of 1934. The results indicated that the strength of the parties in the Assembly was as follows:

Congress—44; Congress Nationalists (that section of Congressmen who repudiated the Communal Award and thus formed a separate group in support of the Hindu Mahasabha)—11; Independents (all except three, Muslims)—22; Europeans (representatives of the British business community)—11; Officials—26; Nominated members—13. The Government, with the support of Europeans, officials and nominated members, could muster in all 50 members. The Congressmen could probably, with the aid of 11 Congress Nationalists, depend upon the support of 55 members. Thus, the Muslims under the leadership of Jinnah held the balance between these two blocs.

Jinnah was not only in his element in such a setting, but pursued a non-communal policy which was more in line with the beliefs he had cherished and worked for in the past than it was with the course of action that he adopted in subsequent years. Of course his own explanation of such a course of action would be that he was willing and eager to play his old role of the ambassador of Hindu-Muslim unity as long as the Congress displayed a breadth of view which was non-communal and accommodating. When the Joint Select Committee's Report came up for debate in February, 1935,

the Congress motion was that the recommendations of the Report should be rejected completely because they were nothing short of the usual imperialist device to deprive the Indian people of the power to assume charge of their affairs. Muslims, led by Jinnah, did not agree with this approach and the Congress motion was defeated by 72 to 61. Jinnah put forward three resolutions. The first accepted the Communal Award until the Indians, by mutual agreement, could produce a substitute. The second resolution was critical of the scheme of provincial autonomy only in its details, but conceded that it represented a real advance in the sense that dyarchy was replaced by provincial autonomy. Jinnah's third resolution dealt with the plan of All-India Federation. He condemned this scheme as highly reactionary and devoid of any semblance of responsible government. "I believe that it means nothing but the absolute sacrifice of all that British India has stood for and developed in the last fifty years in the method of progress in the representative form of government." It was significant that Jinnah was successful in having all the three resolutions passed by the Assembly because of the Congress support that he received.

Muslims worked in alliance with the Congress on several other questions. Thus, this combined strength was successful in rejecting in early 1935 the trade agreement concluded between the British and the Indian Governments. Budgets had to be certified by the Government because of the Congress-Muslim opposition both in 1935 and in 1936. The Criminal Law Amendment Bill was also rejected and had to be certified as well.[76] All this goes to show that given a spirit of compromise, Westernized constitutional lawyers like Jinnah and Bhulabhai Desai could work in reasonable harmony. But Indian politics could not be confined only to the calm and dignified atmosphere of the Indian Legislative Assembly.

Owing to the unwillingness of the Princes to accede to the Federation contemplated in the Government of India Act, 1935, and the opposition of the Congress and the League to what they considered an undemocratic and an irresponsible Centre in the Act, the British Government decided to post-

pone the implementation of the federal part of the Act. It was decided to put into effect the section dealing with the British Indian Provinces in the Act. This was also in keeping with the British policy of introducing responsible government by stages. Dyarchy of the Government of India Act, 1919, was being replaced by Provincial autonomy of the 1935 Act. Provinces were being used as training centres for Indians in the art of responsible government.

Provincial elections were held in the early part of 1937. The All-India Muslim League by no means was a well-organized body in the beginning of 1937. It had held its twenty-third annual session in November, 1933, but the following twenty-fourth annual session, was held after nearly two and a half years, in April, 1936. Jinnah had returned from his self-imposed exile in Britain and was trying his best to infuse a new life and vigour in the Muslim League. Even after the general elections, one of his admirers wrote, "Surprising as it may seem, it is nevertheless true that Mahatma Gandhi and Pandit Jawaharlal Nehru are better known to the Muslim masses than Mr. Jinnah."[77] The Congress had an efficient organization, an elaborate machinery for publicity, and enjoyed enormous financial backing from the industrial magnates of Bombay and Ahmedabad. The League was inferior in all these respects. It had only one Muslim English daily, *The Star of India*, and whatever strength it had was chiefly confined to the Hindu majority Provinces.

The election speeches of Jinnah in 1937 were mostly couched in moderate terms expressing friendliness towards the Congress and his usual stress on compromise and mutual accommodation.

> "Ours is not a hostile movement. Ours is a movement which carries the olive branch to every sister community. We are willing to co-operate, we are willing to coalesce with any group or groups, provided their ideals, their objects are approximately the same as ours."

One of his statements from Bombay declared:

> "The Moslem League stands for full national self-government for the people of India. Unity and honourable

settlement between Hindus, Moslems and other minorities is the only pivot upon which national self-government for India of three hundred and eighty millions can be constructed and maintained."

In another speech he went so far as to say:

"There is no difference between the ideals of the Moslem League and of the Congress, the idea being complete freedom for India. There could not be any self-respecting Indian who favoured foreign domination or did not desire complete freedom and self-government for his country."[78]

In the Bombay session of the All-India Muslim League in April, 1936, Jinnah was empowered to constitute a Central Election Board under his Presidentship to contest the approaching provincial elections. The Board issued a manifesto for the elections. It was obvious that this was entirely the handiwork of Jinnah. The social and economic programme was very similar to that of the Congress. There was only one difference and that was the League's opposition to any attempt at expropriation of private property. It condemned the Federal scheme and was equally unsparing about the Provincial scheme, except that the League, unlike the Congress, was not determined to wreck it, but to work it "for what it was worth". Another striking difference was the League pledge "to protect and promote the Urdu language and script", the insinuation being that the Congress was determined to make Hindi the national language of India. Similarly, the Lucknow Pact of 1916 was hailed as "one of the greatest beacon lights in the constitutional history of India" and as a "signal proof of the identity of purpose, earnestness and co-operation between the two great sections of the people of India."[79] Again, this could be interpreted to mean that the League stood solemnly by separate electorates, which was one of the central pillars on which the Lucknow Pact was based.

How was it that all this sweetness and light was overshadowed by the bitterness and conflict of the post-election period? Some of the commentators, impressed by the Congress-League accord during the election period, failed to notice the conflict that was developing between Jinnah,

as the principal exponent of the Muslim League point of view, and Jawaharlal Nehru, the leading spokesman on behalf of the Congress.[80] During the election campaign itself, Jinnah had started putting forward his main point, which he was to reiterate and emphasize later, namely, that the Congress should not challenge the position of the Muslim League as the only representative organization of the Muslims and should confine itself to representing Hindus. Inaugurating the Muslim League election campaign in Bengal, Jinnah declared:

> "I warn my Hindu friends and the Congress to leave the Moslems alone. We have made it clear and we mean it that we are ready and willing to co-operate with any group or groups of progressive and independent character, provided that their programme and our programme are approximately the same. We are not going to be the camp followers of any party or organization. Pandit Jawaharlal Nehru is reported to have said in Calcutta that there are only two parties in the country, namely, the Government and the Congress, and the others must line up. I refuse to line up with the Congress. There is a third party in this country and that is the Moslems. We are not going to be dictated to by anybody."[81]

Nehru was deeply disturbed by Jinnah's approach to politics and pointed out in his statement that it implied "in politics and social and economic matters the Moslems must function separately as a group and deal with other groups as one nation deals with another." According to him, the economic interests of the various classes of Muslims were indistinguishable from their Hindu prototypes. He asserted that the League represented only the upper middle classes. "I come into greater touch with the Moslem masses than most of the members of the Muslim League. I know more about their hunger and poverty and misery than those who talk in terms of percentages and seats in the Councils and places in the State service."[82]

The election results indicated that Congress victories were won mainly in Hindu constituencies. Out of 1,585 seats, the Congress captured 714. Of these, only 26 were Muslim seats.

On the other hand, the Muslim League showing was not very impressive. Out of 485 Muslim seats, the Muslim League captured only 109 seats. It won a substantial number of seats in the Hindu majority Provinces, but in the Muslim majority Provinces it did not create much of an impression. In Bengal, out of 117 Muslim seats, it won only 40. In Punjab, it won only two seats out of 84 Muslim seats. And in the N-W.F.P. and Sind, out of the 36 Muslim seats in each, it won none at all.[83] The Congress was successful in forming Governments in eight out of the eleven Provinces. Nineteen out of the 26 Muslim seats it had won throughout India were in the N-W.F.P. It could form a Government in a Muslim majority Province like the N-W.F.P. because the other 23 Muslim seats in a House of 50 were divided among a number of parties and groups.

According to the Government of India Act, 1935, "the safeguarding of the legitimate interests of minorities was one of the 'special responsibilities' of the Governor." This meant that the Ministers could offer advice on the subject of minorities, but it was up to the Governor to do what he deemed right. In the Instrument of Instructions issued to the Governor, he was called upon to select his Ministers who collectively commanded the confidence of the Legislature. But in so doing, he was expected to include in the Ministry as far as practicable members of important minority communities.[84] This matter came to a head particularly in the United Provinces. The Congress and the League had fought the Provincial elections on a common platform. The Muslim League was also supported by the *Jamiyat al Ulama* (which was sympathetic towards the Congress) because the latter expected that after the elections the Muslim League would work in close co-operation with the Congress. It was understood that the League would be offered two places in the Ministry. Out of 64 Muslim seats, the Muslim League had won 27, the Independent Muslims 27, the National Agricultural Party 9 and the Congress only one. According to one version, the Muslim League was not prepared to let its representative join the Congress Ministry because the Congress demanded from the Muslim League, as the price

for its inclusion in the Congress Ministry, the complete merger of the Muslim League Party in the Congress Party. It was also demanded that the Muslim League Parliamentary Board should be dissolved and no candidates set up by that Board at any later by-election.[85]

According to Maulana Abul Kalam Azad, who was a member of the Congress Parliamentary Sub-Committee and presumably in charge of Muslim affairs, the Muslim League refused to join the Ministry because Jawaharlal Nehru had written to Chaudhri Khaliquzzaman, the U.P. Muslim League leader, that the Muslim League could get only one place in the Ministry. According to Azad, this could not be accepted by the Muslim League because the local political situation was such that both Nawab Ismail Khan and Chaudhri Khaliquzzaman had to be taken into the Government and since only one seat was available, it was not possible for either of them to enter the Government alone. However, when no Muslim Leaguer was included in the Congress Cabinet, the claim of the Muslim League that the Congress was out to establish Hindu Raj gained credence and currency among the Muslim masses. Hindu masses also probably felt that Congress rule was more or less the establishment of Hindu Raj. Thus, Sir Harry Haig, Governor of the United Provinces at that time, has recorded: "The enthusiasm of the masses for Congress Raj melted imperceptibly into ideas of Hindu Raj, which were certainly prevalent throughout the Province. These ideas were deeply resented by the Muslims, who were invincibly determined not to be ruled by the Hindus."[86]

Azad, in his latest book, seemed to think that the Congress refusal to allow the Muslim League representatives to join the U.P. Congress Cabinet was largely dictated by the fact that the Congress was not prepared to give two places to the Muslim League in the Cabinet. The Congress would have given one place to the Muslim League had it agreed. Azad blamed Nehru for not being generous towards the Muslim League, an attitude which was partly responsible for the creation of Pakistan.[87] Nehru, while replying to Azad's criticism, has recently remarked that in 1937 he was

eager that the Congress should introduce land reforms in the United Provinces and therefore was averse to the idea of the Muslim League, which represented some big landowners, joining the Cabinet. He conceded, however, that the Muslim League had agreed to abide by the majority decisions of the Cabinet.[88] This is a more accurate representation of the Congress point of view than Azad's version. Azad looked at the problem in terms of places in the Cabinet and personalities, whereas for Nehru the real problem was the implementation of the Congress programme through a homogeneous and united Cabinet. Congress, from the beginning (as it has been made clear in the case of the Nehru Report) took its stand on the theory of British parliamentary government. It regarded a homogeneous Cabinet drawn from a single party based on an economic and political programme as an ideal instrument of a democratic form of government. The situation in India was not the same as it was in a homogeneous and unitary state like the United Kingdom. In India, because of its infinite diversities, a coalition Cabinet drawn from more than one political party would have created better confidence among the minorities. This was probably the reason why the British Governors were charged both in the Constitution and in their Instrument of Instructions to include in their Ministries members of important minority communities. The Joint Committee on Indian Constitutional Reform thus pointed out: "A Ministry thus formed must tend to be the representative, not, as in the United Kingdom, of a single majority party or even of a coalition of parties, but also of minorities as such."[89]

### 3. *The Growing Strength of the Muslim League*

As it has been suggested earlier, there was probably no one in India who could excel Jinnah as a skilful negotiator and probably also as a constitutional expert. Even as early as 1917, Mr. Montagu, the Secretary of State for India, had written: "Jinnah is a very clever man, and it is, of course, an outrage that such a man should have no chance of running the affairs of his own country."[90] But it cannot be

denied that Jinnah, despite his personal courage, lacked the dynamism and pugnacity of a leader of the Muslim masses. Pandit Nehru had sarcastically remarked: "There was as much difference between him and the Indian masses as between Savile Row and Bond Street and the Indian village with its mud huts."[91] A Muslim Leaguer, probably in his bitterness for having been removed from the All-India Muslim League Council, criticized Jinnah's deliberate aloofness from some of the past political movements. "No national or religious crisis, however stupendous can move him. Jalianwala Bagh does not affect him. The great clash of Khilafat of the heart-rending disintegration of the Islamic brotherhood does not move him."[92] All these verdicts were probably true of Jinnah during the years prior to 1937. But it looked as if after the election campaign of 1937 and during the subsequent years when Jinnah came in fairly close contact with the Muslim masses, he was deeply influenced by the enthusiasm and the sense of unity that the Muslim masses displayed when he appealed to them to follow the programme and policy of the Muslim League. It was true that here was a mass of people who, perhaps, responded more readily to the call of leadership than any other community. But it was also true that the cold-blooded logician, as Jinnah had once described himself, was moved by the emotional warmth and religious fervour of the Muslim masses.

The annual session of the Muslim League, held at Lucknow in October, 1937, was probably the first indication of the growing sense of solidarity among the Muslims of India. The Muslim League had won less than a quarter of the Muslim seats in the Provincial elections. Particularly its showing in the Muslim majority Provinces was most unimpressive. But at Lucknow it looked as if Jinnah had snatched victory from the jaws of defeat. On the day he appealed to the Muslims to get organized for "politics meant power and not relying only on cries of justice or fair-play or good-will," Sir Sikander Hyat Khan, the Premier of Punjab, Fazl-ul-Huq, Premier of Bengal, and Sir Muhammad Saadulla, Premier of Assam, declared in the League

session that they were advising the Muslim members of their respective political parties to join the Muslim League. No better tonic could have invigorated the Muslim League than those declarations.

What was significant was that after the Congress rebuff to the Muslim League on the question of the inclusion of League representatives in the Congress Cabinets, Jinnah had not adopted a completely communal attitude. He was still thinking in terms of forging a united front of the minorities against the totalitarian Congress. Thus, the resolution condemning the formation of Congress Ministries, which were exclusive of genuine minority representatives, referred to the spirit of the Government of India Act, 1935, and Instrument of Instructions of Governors and spoke of "the safeguards of the interests of the Mussalmans and other important minorities." Another resolution said that the object of the Muslim League was the "establishment in India of Full Independence in the form of a federation of free democratic states in which the rights and interests of the Mussalmans and other minorities are adequately and effectively safeguarded."

But one could see clear signs of the growing Muslim hostility to what the League alleged as aggressive Hindu nationalism practised by Congress Governments. Thus, one of the resolutions of the Lucknow session condemned the foisting of 'Bande Mataram' as a national anthem upon the country. It characterized the anthem as "positively anti-Islamic and idolatrous in its inspiration and ideas." One could also detect the signs of closing of the ranks and intolerance towards anti-League Muslims. Maulana Zafar Ali Khan, while speaking at the Lucknow session, said that the people who had deserted the League would be answerable for their action to the Creator.[93]

It was natural that after winning such an impressive support in eight out of the eleven Provinces in the Provincial elections that the Congress Party found the intoxication of power a bit too exhilarating. The Congress Party men wanted to reform and control the official machinery. They found the members of the British Civil Service hostile to

their movement. They also resented the favoured positions that Muslims enjoyed in the subordinate public services of the United Provinces. The Congress High Command felt that if the Congress could obtain support from a great majority of Hindus now that the Party was in power, they could use their prestige and the economic and political programme of the Congress to enlist support among the Muslims through an extensive Muslim mass contact campaign. The Congress leaders did not see the contradiction in the two-pronged offensive of their Party. Interference in administration by Congress Party officials and particularly any diminution in authority and influence of Muslim subordinate officials in the districts were bound to be resented by Muslims. And this resentment was likely to defeat the Congress Muslim mass contact. In addition to this was the propaganda against the Congress launched through an increasingly efficient Party machine of the Muslim League.

The local Congress committees were converted to the status of more or less a parallel administration in the districts. There cannot be a more authoritative and convincing evidence to substantiate this than the letter written by the Chief Secretary of the U.P. Government to all District Magistrates. The letter referred to frequent reports which had reached the Secretariat about the "embarrassing attitude" towards the district authorities adopted by Congress supporters and also to the complaints of Congress workers against the behaviour specially of the lower grades of Government officials. Nevertheless, the letter emphasized the importance of "the establishment of relations of mutual confidence between the district authorities and the leaders of the Congress organization."[94] Thus, a climate was set for the Congress Party officials to set up their parallel and probably dominant authority in the districts. There were reports that the Congress committees, overwhelmingly Hindu, took advantage of the advent of their Party government "to work off their private grudges."[95] There were also reports that Congress police stations were set up in some districts and Congress police-

men were busy investigating crimes on their own.[96] There were also complaints by Muslim members in the Assembly that Congressmen in the U.P. were interfering in religious matters.[97]

Side by side with this the Congress Muslim mass contact movement was launched. Congress leaders tried to impress upon the poor Muslim villagers the fact that the more prosperous and urban class self-seeking Muslim politicians might lose under the Congress dispensation, but certainly not the Muslim poorer classes whose interests were identical with those of Hindu poorer classes. It was also stressed that Congress was a non-communal organization which pursued a social and economic programme. Thus, the real champion of the Muslim poor classes were the Congress leaders and not the landlord and lawyers of the League. At the same time, it was made clear to Muslim lawyers and landlords that their political future and material prosperity lay in associating themselves with the Congress Party and not in condemning themselves "to a lifetime in the wilderness" by joining the League. It was true that these tactics could not work in Muslim majority Provinces. But the aim of the Congress Party was to nip the Muslim League in the bud by weakening it in the Hindu majority Provinces from where it drew its principal support.

The Muslim League, on the other hand, grew from strength to strength. It lost the first by-election in the United Provinces towards the end of 1937, but the three subsequent by-elections were won by the League. Jinnah started building the League organization throughout India. As indicated above, he was helped considerably in this task by the short-sighted policy that the Congress Governments and the Congress High Command followed. In addition to this, he was probably helped by the village Mullahs who saw in the Congress Muslim mass contact campaign a threat to their own authority, as well as a challenge to the traditional Muslim belief that Islam pervaded every sphere of human activity in that the Congress advocated a secular politics. In the urban areas, he could depend upon his own organizing ability as well as that of his lieutenants. Muslim

students from Aligarh and other urban areas gravitated towards the Muslim League, partly attracted by Jinnah's dynamic personality and partly by the fears aroused by the Congress rule as regards their future material interests in the Services and commercial life. But there is no clear authoritative account of how Jinnah built up his party machine almost from nothing. According to one account, soon after the League session at Lucknow in October, 1937, as many as 90 branches of the League were established in the United Provinces and 40 in the Punjab. Nearly 100,000 new members were enrolled in the United Provinces.[98]

In 1938, beginning from January 18, there followed a correspondence between Jinnah and Jawaharlal Nehru which dragged on until December, 1939. Jinnah had correspondence with other leaders like Subhas Chandra Bose, Gandhi, and Sir Tej Bahadur Sapru, but the correspondence between Nehru and Jinnah was, perhaps, the most illuminating so far as the basic Hindu-Muslim differences were concerned. In addition to Jinnah's Fourteen Points, a number of other important problems were also discussed like the issue of 'Bande Mataram', the alleged imposition of Hindi by Congress Ministries, the issue of cow slaughter, and above all, Jinnah's persistent claim that the Muslim League should be recognized as the sole authoritative organization of the Muslims.

On the issue of 'Bande Mataram', Nehru argued that the two stanzas that had been recommended by the Working Committee to be used as a national anthem did not contain any phrases or references which were likely to cause any offence to anybody. The Congress could not compel large numbers of people to abandon what they had come to treasure for so long.[99] This was true, but it was difficult to see how Muslims would reconcile themselves to an anthem which was derived from such a blatantly anti-Muslim novel as *Anandamath*.

As regards the language question, Nehru put forward the official Congress point of view that he was in favour of Hindustani written both in *Nagri* and *Urdu* scripts. Azad also informed the Congress Premiers of the official policy of the

Congress as regards the language question.

"The Congress has decided that, for the national and inter-provincial language the name 'Hindustani' should be adopted, which has been used for this language since the 17th century; and both scripts should be accepted for writing purposes, that is, Deonagri and Urdu.........You should henceforth use the word 'Hindustani' for 'Hindi' and 'Urdu', whenever you want to refer to the 'national' and 'inter-provincial' language of India, for which both Deonagri and Urdu scripts have been adopted."[100]

The Muslims were not prepared to give up Urdu, which they said was not only their creation, but which had been developed by joint efforts of both Hindus and Muslims. They often quoted Sir Tej Bahadur Sapru, who said that Urdu "had served the remarkable purpose in making Hindus grasp Muslim culture and making Muslims grasp Hindu culture and thereby promote fellowship and common citizenship."[101] Urdu was, after all, the language in which some of the best Muslim literary output in India had appeared and the Muslim elite were not likely to accept any compromise. The controversy degenerated into the usual intransigence on both sides, Muslim leaders clinging to a heavily Persianized Urdu and the Congress Ministries, contrary to Azad's instructions, trying to propagate Hindi.

Throughout the correspondence, Jinnah constantly harped on the point that before any negotiations could start the Congress should recognize the Muslim League as the authoritative and representative organization of the Muslims of India. Nehru could not admit this contention because it would reduce Congress to a completely Hindu organization. Nehru claimed that there were about 100,000 Muslims on the Congress rolls.[102] It was clear that Jinnah at this stage was not keen on coming to a final settlement with the Congress because he wanted to wait and build up the strength and organization of the Muslim League to such a level that the Congress and everybody else would be compelled to treat the Muslim League on a footing of complete equality and until that happened, he said, "We shall have to wait and depend upon our inherent strength which will

'determine the measure of importance or distinction that it possesses' ".[103] The Congress circles were also probably marking time and certainly in 1938 and 1939 they were optimistic about the success of the Muslim mass contact campaign launched by the Congress.[104]

How did Jinnah plan to weld the different classes and sections in the Muslim community into a united and monolithic organization? As suggested earlier, Jinnah had learnt his lesson that one could not play a dominant role in politics by merely functioning as a negotiator or a compromiser. As he himself had said in his speech to the Lucknow session of the Muslim League, politics meant power and not relying only on cries of justice or fair-play. He knew that the Muslim community, divided though it was into different Provincial, economic and even religious groups, should get together on a broad and common programme for there was no other way of compelling his opponents to treat the Muslim League with respect. At the Patna session of the Muslim League in December, 1938, dealing with the accusation that the Muslims were allied with British imperialism, Jinnah said:

> "I say the Muslim League is not going to be an ally of anyone, but would be the ally of even the devil if need be in the interests of Muslims. It is not because we are in love with imperialism; but in politics one has to play one's game as on the chess-board."[105]

Sir Muhammad Iqbal complained to him that the Sikander-Jinnah Pact was causing damage to the prestige of the Muslim League in Punjab and that Sikander Hyat was trying to capture the Muslim League with the help of his landlord supporters. "Knowing the opinion of the province as I do I cannot take the responsibility of handing over the League to Sir Sikander and his friends. The pact has already damaged the prestige of the League in this province and the tactics of the Unionists may damage it still further."[106] Jinnah had to follow the dictates of politics and continue his alliance with Sikander Hyat for the sake of Muslim solidarity. Jinnah has been quoted as writing to the poet, "I fully agree with you that the political objective of

the Indian Muslims must be stated fully and unequivocally but there are practical difficulties in the way of doing so at this stage......I want to pull them (Muslims) up step by step and before making them run I want to be sure that they are capable of standing on their own legs."[107] To Barkat Ali of Punjab Jinnah wrote:

"I hope you will show this letter to Sir Mahomed Iqbal and Ghulam Rasool. I have appointed some members to the Central Parliamentary Board which was suggested by Sir Sikander Hyat, but that does not mean that I am not going to appoint some other members representing Punjab which may be suggested by Sir Mahomed Iqbal, Malik Zaman Mehdi Khan, Ghulam Rasool and yourself."[108].

Similarly, later on, referring to the charge that the League was against the *zamindars,* he said, "The League is not against any interests among the Muslims."[109] Before the Provincial elections of 1937, realizing the weakness of the Muslim League in Bengal, Jinnah brought about a compromise between the Bengal Proja Party, led by Fazl-ul-Huq, and the Muslim League Parliamentary Board. As a shrewd politician, interested in building up the strength and power of the Muslim League as the sole spokesman of the Muslims of the whole of India, he did not follow Iqbal's advice that he should concentrate on building up the unity of Muslims in North-West India and Bengal and ignore Muslim minority Provinces.[110]

But at the same time Jinnah methodically built up popular support among the Muslim masses and became their Quaid-i-Azam. And there came a stage, particularly after he was associated in the public mind as the supreme founder and architect of Pakistan, when it was not easy for a Sikander Hyat or a Fazl-ul-Huq to defy the orders of the Quaid-i-Azam. And whenever they did, he turned fiercely against them with the full support of the Muslim 'nation' and in the name of Muslim solidarity.

Like the Congress, the Muslim League began to draw increasing support from certain economic interests. Both in Bengal and Punjab Muslims were agriculturalists whereas the Hindus represented the more prosperous urban interests—

merchants, shopkeepers, lawyers and doctors, and above all, the hated money-lenders. Even in the predominantly Muslim East Bengal, Hindu teachers, lawyers, and doctors were not only the dominant interests in the cities but the majority of the population in the cities were also Hindu. In Punjab, even though, unlike Bengal, there was a considerable number of prosperous Muslim landowners, nevertheless, as it will be seen later, the interests of all agriculturalists, both small *zamindars* as well as big *zamindars*, were opposed to the urban Hindu classes. Thus, the Punjab Land Alienation Act of 1900, the Restitution of Mortgaged Lands Act, the Registration of Money-lenders Act, and the Relief of Indebtedness Act were one and all regarded by the Hindu opposition as deliberately designed to penalize their interests. This conflict of interests became so intense that when towards the end of 1940 the Punjab Government introduced measures like tax on urban immovable property, a bill restricting urban rents and a general sales tax, the local Congressmen were supported even by the Congress High Command in offering strenuous resistance to such measures.

It was also alleged that Muslim interests being chiefly agricultural would lose by the new commercial policy of high tariffs and the fostering of industries. The argument was that this policy, which was being supported by the Congress, was against the interests of Muslim agricultural producers of cotton and jute and in favour of the Hindu mill owners and capitalists. It has been reported that when the Cotton Bill was being discussed in the Central Assembly, Jinnah did not realize the conflict of interests between Hindu mill owners and Muslim producers of cotton and supported a high tariff policy which was in favour of the cotton manufacturing interests of Bombay and Ahmedabad. Sikander Hyat rushed to Delhi to impress upon the Quaid-i-Azam that as leader of the Muslims he should support the interests of Muslim cotton growers and not the mill owners. When Jinnah was informed of this, he was quite disturbed and asked Sikander Hyat to assure the *zamindars* of Punjab that such a mistake would not occur

again.[111]

It would not be fair to say that there were no Muslim merchants and industrialists at all. Before Pakistan was established, Muslims had also produced the Adamjees and Ispahanis as opposed to the Hindu Dalmias and Birlas. But the competition between these two groups was also taking a communal turn. Particularly as the prospects of the establishment of Pakistan improved, Muslim capitalists, bankers, merchants, all looked forward to the time when competition would be less fierce and the prospects of making high profits infinitely brighter. Resolutions urging Muslims to consume goods manufactured or sold by Muslims were passed by the Provincial Muslim Leagues and also by the All-India Muslim League.[112] The conflict was perhaps at its sharpest on the matter of Government jobs. This was understandable because in the Indian sub-continent so many of a citizen's interests were determined by the decisions of Provincial and Central Servants. The conflict was also heightened by the fact that in the United Provinces where Muslims were in minority, they occupied a favoured position in the subordinate public services whereas in Bengal where they were in majority, the Hindus held most of the posts in the subordinate public services. In the United Provinces, the Muslim League could point out that under the Congress regime Hindus were determined to oust the Muslims from their favoured positions and in Bengal the Muslim League could point the accusing finger at the Hindus for having deprived the Muslims of their share in public services even though the latter were in the majority.

What was the way out of this tangle? Gandhi suggested that all these problems could be satisfactorily settled once the vicious role of the British was terminated. Hindus and Muslims should jointly struggle for India's *Swaraj* and once that was achieved, most of the difficulties would disappear. It was obvious from the very beginning that Gandhi could never hope to exercise any profound hold over the Muslims. During the Khilafat movement, he operated very largely through the popularity of the Khilafat cause itself and the organizing ability and leadership of Maulana

Muhammad Ali. Later on, he was becoming increasingly aware of his limitations so far as the Muslims were concerned. It was not only the separate culture and interests of the Muslims that stood in his way, but also his own Hindu approach to politics. Being a devout Hindu himself, he was quite justified in giving a Hindu twist and turn to his political methods. He also felt that that was perhaps the most effective way of evoking an enthusiastic response from the Hindu masses. We have already seen Motilal Nehru expressing his helplessness at the emergence of the communal hatred in the Congress ranks and the Malaviya-Lala interests aided by Birla's money trying to capture the Congress. His son, Jawaharlal Nehru, also found Gandhi's frequent use of Hindu phrases in politics as strange and wrong.

> "Even some of Gandhiji's phrases sometimes jarred upon me—thus his frequent reference to *Ram Raj* as a golden age which was to return. But I was powerless to intervene, and I consoled myself with the thought that Gandhiji used the words because they were well known and understood by the masses. He had an amazing knack of reaching the heart of the people."[113]

This was equally true of the way Congress Governments functioned during 1937-1939. Thus, the Congress educational scheme introduced in the Central Provinces was given a Hindu name and a Hindu form. The scheme of *Vidya Mandirs* (Temples of Learning) was bitterly opposed by the three per cent. Muslim minority but their protests were disregarded. Their complaint was that how could Muslims co-operate with a scheme which bore such an offensive name as *Mandirs* (Hindu temples)? For Muslims, a Hindu temple was a place where idols were worshipped and this, they thought, was a deliberate affront to Islam's prohibition and condemnation of idolatry. Further, according to the scheme, the schools were to be managed by committees chosen by joint electorates. Muslims complained that no provision was made for separate Muslim schools or for the training of Urdu speaking teachers. Their feelings ran so high that, ignoring the directions of the Muslim League Working

Committee, they resorted to direct action over the *Vidya Mandirs* scheme.[114] Muslim children were forced to sing 'Bande Mataram' with folded hands and offer reverence before the Mahatma's portrait. In the eyes of the Muslim League these were all clear manifestations of the tyranny of Hindu brute majority over the helpless Muslim minority. This was how the famous Pirpur Report catalogued the alleged injustices and oppressions of the Congress Governments.[115] It could be argued that the Muslim League was exaggerating Congress injustices, but the fact remained that the Congress Governments during 1937-1939 tended to look at social and educational problems from a Hindu point of view.

What were the other avenues available for resolving these differences? An alternative method of arriving at a Hindu-Muslim settlement was that suggested by Jinnah. Jinnah believed that the method followed in the Lucknow Pact of 1916 was the best possible method. The Congress, representing the Hindus, and the Muslim League, representing the Muslims, should negotiate at the summit through their leaders armed with full powers to arrive at any settlement they considered best in the interests of their respective communities. Year after year the annual session of the Muslim League armed Jinnah with full powers to adopt whatever steps he deemed appropriate or necessary for the furtherance of Muslim interests. The Congress rejected such a method because it would have reduced the Congress to a Hindu organization and also because leaders like Nehru felt that Jinnah and the Muslim League represented probably only the upper urban crust of the Muslim community. And by the time they became aware of the fact that this was no longer so, Jinnah had moved on to the demand for Pakistan.

But as indicated earlier, Congress insistence on forming one-party Cabinets in the Provinces was a serious error. If they had realized that the model of British parliamentary democracy borrowed from a homogeneous and unitary state was not likely to work as effectively in an essentially plural society like that of India, much of the communal

rancour could have been avoided. The Swiss pattern, where racial and linguistic groups were represented in a composite Cabinet, was not unknown to them. There was also a suggestion that matters which were of particular significance to certain communities, such as their social customs, religious establishments, language and literary traditions, should not be subject to legislation by the common Central or Provincial Legislature, but should fall within the domain of special bodies or guilds, each of which represented one cultural or religious group.[116]

On September 3, 1939 Britain's declaration of war on Germany was followed by Lord Linlithgow's announcement that India was also at war with Germany. The Congress Working Committee in its resolution of September 15 demanded that the issue of peace and war must be decided by the Indian people and that India could not fight for the cause of freedom unless she herself was free. Lord Linlithgow in his statement of October 18, 1939, tried to defend the British position by saying that the British Government stood firmly by their pledge of conferring Dominion status on India. The Viceroy also spoke of the establishment of a consultative group consisting of representatives of all major political parties and of the Indian Princes. The object of setting up such a body was to associate public opinion in India with the conduct of the war. The Working Committee of the Congress saw in all this nothing but the pursuit of the same old imperialist policy and declared in its resolution of October 22 that it was determined to combat such a policy. It called upon all the Congress Ministries to tender their resignations. By the end of October, all the Congress Ministries had resigned. Sir Samuel Hoare, Secretary of State, came forward with the conciliatory gesture that the Viceroy's Executive Council should be expanded to include in it representatives of major political parties. The Viceroy accordingly held negotiations with the Congress and Muslim League leaders and suggested to them that if they reached an agreement in the Provincial field, they could then suggest to him ways and means by which the representatives of the two

organizations could participate in the Central Government as members of the Executive Council.

While these discussions were going on between the Viceroy and the Congress and Muslim League leaders in November, 1939, Jinnah offered five terms for an interim settlement with the Congress for the duration of the war. These terms were: (1) establishment of coalition Ministries in the Provinces; (2) Congress acceptance of the formula that no legislation affecting Muslims would be passed by a Provincial Lower House if two-thirds of the Muslim representatives in that House were opposed to it; (3) an undertaking from the Congress not to fly their flag on public institutions; (4) an understanding as regards the singing of 'Bande Mataram'; (5) a Congress undertaking to cease its hostile campaign against the Muslim League. According to Jinnah, he tried to persuade the Congress leaders to agree to the Viceroy's proposal to expand the Executive Council subject to a settlement with the League in the Provincial field. But the Congress was adamant in their stand.[117]

December 22, 1939, was celebrated as what Jinnah called 'The Deliverance Day' by the Muslim League throughout India. The resolution that was passed by Muslim League meetings on this day said:

> "That the Congress Ministry both in the discharge of their duties of the administration and in the Legislatures have done their best to flout the Muslim opinion, to destroy Muslim culture, and have interfered with their religious and social life, and trampled upon their economic and political rights; that in matters of differences and disputes the Congress Ministry invariably have sided with, supported and advanced the cause of the Hindus in total disregard and to the prejudice of the Muslim interests."[118]

Thus the day was celebrated as the Day of Deliverance from "tyranny, oppression, and injustice during the last two and a half years." This action of Jinnah was bitterly resented by the Congress. Jawaharlal Nehru, writing to Jinnah in December, 1939, rightly remarked, "It thus seems

that politically we have no common ground and that our objectives are different. That in itself makes discussion difficult and fruitless."[119]

It could be said that Jinnah's mind was groping for a new solution of India's constitutional and political problems. His basic approach as regards the parties to a settlement was the same, namely, that the representatives of the Muslim League and the Congress, representing the two communities in India, should negotiate at the summit. But as regards the terms of the settlement, it was becoming clear by the end of 1939 that Jinnah was drifting away from the traditional methods and pattern of thinking. In a statement to the *Manchester Guardian* in October, 1939, he decried the folly of foisting British parliamentary democracy on India. He referred to Muslim apprehensions regarding the introduction of democratic institutions in India. Muslim insistence on separate electorates, weightage and statutory safeguards from 1909 onwards was a clear indication of the fear that they would be reduced to a perpetual minority under a democratic rule. As regards the obstacles to the working of democracy in India, he pointed out:

> "Having regard to the 35 millions of voters, the bulk of whom are totally ignorant, illiterate and untutored, living in centuries old superstitions of the worst type, thoroughly antagonistic to each other, culturally and socially, the working of this Constitution has clearly brought out that it is impossible to work a democratic parliamentary government in India."[120]

Democracy in Canada and Australia could work because the people there were mainly British in stock. But there were doubts as to how it could work in South Africa where the differences between the rival communities like the Boers and the British had to be composed. According to Jinnah, even these differences were not so fundamental as those between Hindus and Muslims.

But what was novel and noteworthy was his thesis that Muslims should not be described as a minority when they were "in a majority in the North-West and in Bengal, all along the corridor stretching from Karachi to Calcutta."

When asked about the new proposals and schemes that were being put forward, he said that the League had appointed a sub-committee to examine the entire constitutional and political problem of India.[121]

In the only article he ever wrote, Jinnah carried his thesis forward and claimed that Hindus and Muslims were two different nations. He advocated the setting up, both at the Centre and in the Provinces, Governments that represented all the segments of Indian society and decried party government as unsuitable to Indian conditions. The Muslim League was irrevocably opposed to any federal objective because it would bring about Hindu majority rule. He suggested that the British Government should revise the entire problem of India's future constitution *de novo*. But according to him, no new constitutional scheme for India should be evolved and implemented without the consent and approval of the All-India Muslim League. One could see in what direction his mind was working. "To conclude, a constitution must be evolved that recognizes that there are in India two nations who both must share the governance of their common motherland."[122] This was on January 19, 1940, and on March 23, 1940 the historic Pakistan Resolution was passed. The ambassador of Hindu-Muslim unity had ceased to think in terms of composing differences. He had taken the view that these differences should be recognized as hard facts and that Hindus and Muslims should settle down in their respective homelands to construct their polities on lines best suited to their own genius and traditions.

FOOTNOTES

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122. *Ibid.*, p. 138.

# IV

## THE EMERGENCE OF PAKISTAN—I

### I. First Faint Glimmerings of Pakistan

The origin of the idea of Pakistan as well as the composition of the word Pakistan have often provided lively subjects for controversy among scholars and publicists. Jinnah, in his interview to Beverley Nichols, pointed out that the idea of dividing India was not new for it had occurred to John Bright in 1877.[1] Talking about the distant future when the British Government might have to withdraw from India, Bright urged that the peoples of different Provinces in India should be encouraged to regard themselves as citizens of different states so that at the time of transfer of power there might be five or six great successor States.[2] It would be interesting to speculate whether John Bright was prescient or history was playing tricks for in May, 1947, before the plan of June 3, 1947 was announced, the British Government put forward a plan whereby power could be transferred to several successor States. This plan had to be abandoned because of the bitter opposition it evoked from the Congress.[3] Similarly, Communist writers have credited Stalin with foreseeing as early as 1912 the break up of India into diverse nationalities. "In the case of India, too, it will probably be found that innumerable nationalities, till then lying dormant, would come into life with the further course of bourgeois development."[4]

The idea of Muslims forming a separate state in India

was mooted as early as December, 1883. It was Wilfred Scawen Blunt who suggested in Calcutta that in his view practically all the Provinces of Northern India should be placed under Muslim Government and those of Southern India under Hindu Government. In this scheme, the British would continue as the controlling power drawing their support from British troops stationed in each of the Provinces, but "the whole civil administration, legislation, and finance should be let to native hands."[5]

After the inauguration of the Government of India Act, 1919, it became clear that the British seriously contemplated the transfer of political power by stages to Indian hands. This created a feeling of uneasiness among Muslims as regards their share of power. It was significant that even at that stage Muslims regarded themselves and their problems as somewhat separate from the rest of India. Thus, Maulana Muhammad Ali, speaking on the resolution that reforms should be introduced in the North-West Frontier Province of India in the annual session of the All-India Muslim League held in Bombay in December, 1924, said:

> "If a line be drawn from Constantinople to Delhi on the map of the world it would be found that at least right up to Saharanpur there was a corridor of purely Muslim people or Muslims were in clear majority. This gave them the clue for understanding the backward condition in which the Frontier and the Punjab were purposely kept by those in power."[6]

One gets another glimpse of Muslim apprehensions and their separatist tendencies in the Nehru Report of 1928. The Report recorded: "The Muslims being in a minority in India as a whole fear that the majority may harass them, and to meet this difficulty they have made a novel suggestion—that they should at least dominate in some parts of India."

All this, at best, was a hazy and uncertain groping towards a separate state. A clear conception was given by Sir Muhammad Iqbal in his Presidential Address at the Allahabad session of the All-India Muslim League in

December, 1930. Iqbal's conception was not only clear but comprehensive in the sense that it was based on both geographical and ideological factors. "I would like to see the Punjab, North-West Frontier Province, Sind and Baluchistan amalgamated into a single state. Self-government within the British Empire or without the British Empire, the formation of a consolidated North-West Indian Muslim state appears to me to be the final destiny of the Muslims at least of North-West India."[7]

It may be noted that Iqbal was thinking only of North-West India and not of Bengal. Secondly, he suggested the exclusion of Ambala Division and those districts where non-Muslims were in majority from this North-Western Muslim state. In a way he was clearer than the formulators of the Lahore Resolution of 1940. West Pakistan of the future was to cover roughly the territory outlined by Iqbal. Thirdly, Iqbal was agreeable to the idea of the North-Western Muslim state forming a part of the Indian Federation, if 'residuary powers' were left entirely to self-governing states.

However, what was most noteworthy in Iqbal's conception was the ideological basis of his state. His idea was not inspired by fear or hostility towards the Hindus.

> "A community which is inspired by feelings of ill-will towards other communities is low and ignoble. I entertain the highest respect for the customs, laws, religious and social institutions of other communities. . . Yet I love the communal group which is the source of my life and my behaviour; and which has formed me what I am by giving me its religion, its literature, its thought, its culture, and thereby re-creating its whole past, as a living operative factor, in my present consciousness."[8]

At this stage it should also be made clear that Iqbal's conception of Islamic State was extremely liberal and flexible. He declared in the same Presidential Address: "Nor should the Hindus fear that the creation of autonomous Muslim states will mean the introduction of a kind of religious rule in such states." He went on to assert that in certain cases a Muslim state could adopt such a flexible

approach as to impose no restrictions on the realization of interest on money loaned.

"I therefore demand the formation of a consolidated Muslim state in the best interests of India and Islam. For India it means security and peace resulting from an internal balance of power, for Islam an opportunity to rid itself of the stamp that *Arabian Imperialism* (author's italics) was forced to give it, to mobilize its law, its education, its culture, and to bring them into closer contact with its own original spirit and with the spirit of modern times."[9]

This is a highly revealing statement which has escaped the notice of many writers. It not merely indicates how liberal Iqbal was in his conception of Isam (a fact which is well known to those who have read the Sixth Lecture entitled "The Principal of Movement in the Structure of Islam" in his *Reconstruction of Religious Thought*), but also that he was in favour of Muslims in India continuing on the liberal and tolerant traditions that Indian Islam had nurtured so assiduously in contrast to its Arabian counterpart. It should not be too difficult to demonstrate on the basis of this statement that the conception of Islam that men like Iqbal had was different from that of Muslim religious leaders like Maudoodi, who in their zeal to purify it of Moghul or Indian impurities, wanted to cast it in a rigid Arab mould.

Choudhry Rahmat Ali is considered the originator of the word Pakistan. The word was first used in a four-page leaflet entitled *Now or Never*, published in January, 1933, and signed, besides Rahmat Ali, by three other students in Cambridge. Explaining the composition of the word Pakistan, Choudhry Rahmat Ali wrote later:

"'Pakistan' is both a Persian and an Urdu word. It is composed of letters, taken from the names of all our homelands—'Indian' and 'Asian'. That is, **P**unjab, **A**fghania (North-West Frontier Province), **K**ashmir, **I**ran, **S**indh (including Kachch and Kathiawar), **T**ukharistan, **A**fghanistan and Balochista**N**. It means the land of the Paks—the spiritually pure and clean. It symbolizes

the religious beliefs and the ethnical stocks of our people; and it stands for all the territorial constituents of our original Fatherland. It has no other origin and no other meaning; and it does not admit of any other interpretation."[10]

Tracing the origin of his scheme, Choudhry Rahmat Ali attributed to Divine guidance its due role. "I observed *chillahs* and prayed for Allah's guidance. . . . I carried on till, at last, in His dispensation Allah showed me the light, and led me to the name 'Pakistan' and to the Pak Plan. . . ."[11]

There were two basic differences between Iqbal's scheme and that of Rahmat Ali. Unlike Iqbal's scheme, the Provinces which constituted Rahmat Ali's Pakistan were to have a separate Federation of their own. Secondly, Rahmat Ali published a map of India which showed three independent Muslim nations forming a triple alliance. They were: Pakistan in the North-West, Bang-i-Islam consisting of Bengal and Assam in the North-East, and Usmanistan in the South formed by the state of Hyderabad.

## II. Leading up to the Lahore Resolution of March 23, 1940.

The schemes discussed in the previous section were of a speculative nature and no large body of Muslims considered them as practical propositions. It was only after it became clear that the federal part of the Government of India Act, 1935, was not likely to work in view of the opposition of the Congress, the Princes, and the Muslim League that Partition became a serious and practical alternative. It seems that some of the Congress leaders condemned the Government of India Act, 1935, without reading its full text. This was presumably because they were antagonized by the presence of discretionary powers given to the Governor-General and the Governors in the Act. Their worst fears were confirmed by the way safeguards were pushed out of scale by men like Churchill in the British Parliamentary debates on the Act.[12] It has been reported that Gandhi confessed to the Viceroy, Lord Linlithgow, in 1942 that he had just

read for the first time the Government of India Act, 1935, and that had he read it when it was first passed, the course of recent Indian history might have been very different for the Act could have given India all she desired.[13] There is much room for speculation on the part of future historians as regards what would have happened if the Congress had accepted the Government of India Act, 1935, and the British Government, in its turn, persuaded the Princes to adopt a similar approach. One thing was clear, Jinnah and the Muslim League were in no position to offer much resistance. It may be recalled that in 1936 Jinnah had tried his best to gain a foothold for himself and the League in the Punjab, but Sir Fazl-i-Husain had such a complete hold over the Punjab that it was reported that Jinnah left in disappointment saying, "I shall never come to the Punjab again. It is such a hopeless place."[14]

The resolution passed by the Sind Muslim League Conference held at Karachi in October, 1938, gave a clear picture of the way the minds of Muslim League leaders were working at that time. The resolution catalogued all the alleged wrongs and injustices that the Congress Governments had inflicted on Muslims. It went on to argue that nothing better could be expected from "the caste-ridden mentality and anti-Muslim policy of the majority community". But the resolution also suggested that such differences and conflicts had arisen not merely because of the narrow outlook of the Hindu community. They had arisen "also on account of acute differences of religion, language, script, culture, social laws and outlook on life of the two major communities and even of race in certain parts." For the first time Hindus and Muslims were described officially by the Muslim League as two distinct nations.

> "This Conference considers it absolutely essential in the interests of an abiding peace of the vast Indian continent and in the interests of unhampered cultural development, the economic and social betterment, and political self-determination of the *two nations known as Hindus and Muslims*, (author's italics) to recommend to All India

Muslim League to review and revise the entire question of what should be the suitable constitution for India which will secure honourable and legitimate status due to them, and that this conference therefore recommends to the All India Muslim League to devise a scheme of Constitution under which Muslims may attain full independence."

The resolution also expressed "emphatic disapproval of the scheme of the All India Federation as embodied in the Government of India Act, 1935" and urged the British Government to refrain from enforcing it as it was detrimental particularly to the interests of the Muslims of India.[15]

This was followed by a resolution passed at the annual session of the All-India Muslim League held in Patna in December, 1938, whereby the President was authorized to adopt such course as might be necessary with a view to exploring a suitable alternative to the Government of India Act, 1935, which would safeguard the interests of Muslims and other minorities.

The next stage was when the Working Committee of the All-India Muslim League, in its meeting at Meerut on March 26, 1939, resolved that a Committee examine and report on the various draft schemes "already propounded by those who are fully versed in the constitutional developments of India and other countries and those that may be submitted hereafter to the President and report to the Working Committee their conclusions at an early date."[16] The Committee appointed by the Working Committee consisted of the following: M. A. Jinnah (President), the Hon. Sir Sikander Hyat Khan, Nawab Mohammad Ismail Khan, Syed Abdul Aziz, Sir Abdoola Haroon, the Hon. Sir Khwaja Nazimuddin, Abdul Matin Choudhri, Sardar Aurangzeb Khan, Nawabzada Liaquat Ali Khan (Convener). The above resolution of the Working Committee was placed before the Council of the All-India Muslim League for its ratification in April, 1939. Jinnah, while speaking before the Council in New Delhi, said:

"In regard to Federation, there were several schemes in

the field including that of dividing the country into Muslim and Hindu India. These schemes were before the Committee which had been set up by the Working Committee of the League. The Committee was not pledged to any particular scheme. It would examine the whole question and produce a scheme which according to the Committee, would be in the best interests of the Muslims of India."[17]

The Muslim League Committee presumably examined a number of schemes. The schemes put forward by Sir Muhammad Iqbal and Choudhry Rahmat Ali have already been outlined in the previous section. There was also the scheme of Dr. Syed Abdul Latif of Hyderabad, Deccan, which he published in 1939.[18] According to this scheme, the Indian Federation was to consist of four Muslim cultural zones and eleven Hindu cultural zones. The Muslim cultural zones were:

1. The North-West bloc embracing Sind, Baluchistan, the Punjab, North-West Frontier Province and the Indian states of Khairpur and Bahawalpur and consisting of 25 million Muslims.
2. The North-East bloc of Eastern Bengal and Assam of over 30 million Muslims.
3. The Delhi-Lucknow bloc extending from the Eastern border of Patiala to Lucknow. This zone was designed to attract Muslims from adjacent areas, particularly from the areas of the United Provinces and Bihar.
4. The Deccan bloc embracing the state of Hyderabad and including a strip of territory in the South with an opening to the sea was to include more than 12 million Muslims in number.

The rest of India was to be divided into eleven Hindu cultural zones. A novel feature of this scheme was that being a Hyderabadi, Dr. Latif wanted the creation of a Muslim zone in the state of Hyderabad, even though Muslims were not in majority there. Being an Urdu-speaking Muslim and with cultural affinities with the Urdu-

speaking Muslims of the United Provinces and Bihar, he wanted the creation of a Muslim zone called the Delhi-Lucknow bloc. Creation of such cultural zones was to be effected through exchanges of populations. Dr. Latif underestimated the difficulties of such exchanges because he thought that there would be considerable voluntary movement and above all that the modern multiple means of easy transit would reduce the difficulties involved in migration.

The scheme provided for a weak Centre, restricted to Defence, Foreign Affairs, Commerce and Communications with residuary powers in the Provinces. Another noteworthy feature was the idea of a composite and stable Executive that it put forward. Since the Executive could not be removed by an adverse vote of the Parliament, it was stable. Dr. Latif ruled out a Parliamentary Executive for India based on the support of a majority party in the Parliament because in practice it would often amount to a permanent communal Executive responsible to a permanent communal majority. The recent experience of Congress Hindu Governments was also fresh in the minds of Muslims. Therefore, Dr. Latif provided for a composite Executive drawn from all parties or groups in the Parliament.

Another scheme which must have engaged the attention of the League Committee was that of Professor Syed Zafarul Hasan and Dr. Mohammad Afzal Husain Qadri of the Aligarh Muslim University.[19] In this scheme, British India was to be divided into three independent, sovereign states. There were the predominantly Muslim states of North-West India and Bengal and the Hindu state called Hindustan comprehending the rest of British India. The Muslim state of North-West India was to be a separate Federation known as the Pakistan Federation, whereas Bengal was to constitute a separate Muslim Federation. There were a number of striking features in this scheme all of which were designed to protect Muslim interests. Hyderabad with its old dominions of Berar and Carnatic was to be created a sovereign state. There were to be newly

constituted Provinces of Delhi and Malabar in Hindustan deliberately designed to protect Muslim interests in those areas. Muslims would not be in majority for they would constitute 28 per cent. in Delhi and 27 per cent. in Malabar. Delhi would be close to the Muslim Federation of Pakistan and it was hoped that the Malabar Muslims, being a virile race and an important minority, would be able to look after their interests. Another way of protecting Muslims in Hindustan was to give the status of free cities or boroughs to large towns as Muslims largely lived in considerable numbers in cities in Hindustan. Similarly, Muslims in the rural areas of Hindustan were to be induced to migrate to villages with large Muslim populations. There were to be no restrictions on the migration of Hindus and Muslims to their respective national states. Muslims in Hindustan were to be recognized as minority nations which formed part of a larger Muslim nation inhabiting Pakistan and Bengal.

Nawab Sir Muhammad Shah Nawaz Khan of Mumdot, President of the Punjab Provincial Muslim League, published his scheme, *The Confederacy of India,* in the summer of 1939.[20] In his scheme India was divided into what he called five 'countries':

1. The Indus Regions.
2. Hindu India lying in the central region and including all the territory not covered by the other 'countries'.
3. Rajistan comprising the states of Rajputana and Central India.
4. The Deccan states built around the states of Hyderabad and Mysore.
5. Bengal, excluding the Hindu districts in it, but including parts of Assam and other states.

Transfer of population was ruled out as highly expensive and inconvenient. Even though each of the 'countries' would constitute a Federation by itself, yet there would be a Confederacy embracing all the five 'countries'. The author took a stand against the idea of Muslims forming a separate Federation by themselves. Muslim ambitions should not be

extra-territorial. "The foreign element amongst us is quite negligible and we are as much sons of the soil as the Hindus are. Ultimately our destiny lies within India and not out of it." The subjects assigned to the Confederacy were not clearly defined. Fiscal policy was not to be controlled by it because it would amount to further strengthening of the existing Hindu domination in economic matters. As regards the cost of defence, it was proposed that this should be shared equally among the five members of the Confederacy. The scheme provided no details as regards the internal federal constitution of the members.

Two of the members of the League Committee appointed to consider various constitutional proposals, Sir Abdoola Haroon and Sir Sikander Hyat Khan, put forward their own schemes. Sir Abdoola Haroon's scheme envisaged the division of India into two separate Federations, each drawing its major support from one of the major communities. In his letters to the Aga Khan in November and December, 1938, Sir Abdoola pointed out that the Muslim League circles had begun drifting in the direction of "a separate federation of Muslim States and Provinces so that we are free, once and for all, from the Hindu molestation."[21] The Muslim Federation was to comprise the North-Western part of India and Kashmir. Strangely enough, the future of Bengal and Hyderabad was left out of this scheme.

Sir Sikander Hyat's scheme, published in July, 1939, turned out to be most influential.[22] It envisaged a two-tier Federation—a regional and an All-India Federation. India was divided into the following seven zones:

Zone 1. Assam, Bengal (excluding one or two Western districts in order to approximate the size of this zone to other zones), Bengal States and Sikkim.

Zone 2. Bihar and Orissa (plus the area transferred from Bengal to Orissa).

Zone 3. United Provinces and U. P. States.

Zone 4. Madras, Travancore, Madras States, and Coorg.

Zone 5. Bombay, Hyderabad, Western India States, Bombay States, Mysore and C.P. States.
Zone 6. Rajputana States (minus Bikaner and Jaisalmer), Gwalior, Central India States, Bihar, Orissa States, C.P., and Berar.
Zone 7. Punjab, Sind N-W.F. Province, Kashmir, Punjab States, Baluchistan, Bikaner, and Jaisalmer.

Each zone was to have a regional Legislature consisting of representatives of both British Indian and Indian States' units comprising that zone. The representatives in the various regional Legislatures were to collectively constitute the Central Federal Assembly consisting of 375 members (250 from British India and 125 from the Indian States). It was also laid down that the Muslims would constitute a third of the total number of representatives in the Federal Assembly.

The Federal Executive, to be headed by the Viceroy, was to include at least one representative from each zone and at least a third of the Ministers so appointed were to be Muslims. The Federal Government was allocated subjects like Defence, External Affairs, Communications, Customs, Coinage, and Currency, etc. Subjects other than these, which were at present included in the Federal list, were to be transferred to the units or zones. Similarly, residuary powers were to vest in the units. One can see that most of these proposals came to be reproduced later in the famous Cabinet Mission Plan of May, 1946.

It was significant that all the schemes which envisaged an All-India Federation recommended a weak Centre and fully autonomous Provinces. It could be said that these features were primarily designed to help those Provinces where Muslims were in majority to protect themselves against the encroachment of a Centre dominated by Hindus. As regards those schemes which recommended separate Muslim Federation or Federations, none of them visualized a Federation embracing both North-Western India and Bengal as Pakistan turned out to be.

It was true that the League Committee examined the

details of all these schemes, but there is no evidence to suggest that the Committee had recommended a particular scheme of its own to the Muslim League Working Committee. A day before the Lahore Resolution was passed on March 23, 1940, Jinnah indicated in his Presidential Address that no final scheme had as yet emerged from the Committee (of which he himself was the President). The only authoritative version of what transpired in the Working Committee before the Lahore Resolution emerged is that of Sir Sikander Hyat Khan.

> "I have no hesitation in admitting that I was responsible for drafting the original resolution. But let me make it clear that the resolution which I drafted was radically amended by the Working Committee, and there is a wide divergence in the resolution I drafted and the one that was finally passed. The main difference between the two resolutions is that the latter part of my resolution which related to the centre and co-ordination of the activities of the various units, was eliminated."[23]

This explains why the Lahore Resolution said that the "North-Western and Eastern zones of India should be grouped to constitute 'Independent States' in which the constituent units shall be autonomous and sovereign." This could be interpreted to mean that there were to be two 'Independent States', each of which would have a Federal constitution in which the constituent units would be autonomous and sovereign. This interpretation was also confirmed by the final paragraph of the resolution which read: "This Session further authorizes the Working Committee to frame a scheme of Constitution in accordance with these basic principles, providing for the assumption finally by the respective regions of all powers such as defence, external affairs, communications, customs and such other matters as may be necessary."

Was the Muslim League deliberately making provision for the establishment of two states and expecting at the same time that these two states would come together later under some sort of a Federal arrangement? Or was the vagueness due to poor draftsmanship? The author under-

stands that usually Chaudhri Khaliquzzaman drafted League resolutions. If Sir Sikander's version is correct, it seems that the Working Committee removed the federal elements from his resolution and made the Muslim zones in the North-West and in the North-East 'Independent States', which had no federal relationship with an Indian Federation. This probably explains the origin of the term 'Independent States'. The Committee might have also felt that since the two zones were separated from one another by Indian territory, it would not be easy to make them units of a single federation and therefore each of them was likely to emerge as an independent state. However, the resolution later created considerable confusion and misunderstanding. Those Bengali leaders who felt after Partition that the Centre, dominated by West Pakistanis, was not looking after the interests of Bengal, claimed that the original Lahore Resolution visualized two independent Muslim states, one of West Pakistan and the other of East Bengal.

The sort of confusion that prevailed among League ranks before Partition was indicated by the resolution that the Sind Legislature passed in support of Pakistan in March, 1943. The resolution pointed out that the Muslims, differing from Hindus in vital matters like religion, philosophy, social customs, literature, traditions, political and economic theories were "entitled to the right as a single, separate nation, to have *independent National States* (author's italics) of their own, carved in the zones where they are in majority in the sub-continent." Again, after declaring that the Muslims would not accept a constitution which established one Central Government in India, the resolution continued. "It is necessary for them to have *independent National States* (author's italics) of their own. . . ."[24] This resolution, moved by G. M. Syed, was open to confusing and dangerous interpretation. Similarly, Abul Hashim, a famous Muslim League leader from Bengal, made a passionate plea in favour of creating a separate Muslim state of East Bengal in the Subjects Committee of the Muslim League Legislators Convention in April, 1946. He

pointed out that the Lahore Resolution was clearly capable of such an interpretation.

As opposed to this, it can also be argued that the Lahore Resolution envisaged a union of the two 'Independent States' of the North-Western and Eastern zones. The key phrase which suggests such interpretation is to be found in the Resolution itself. The Resolution says that the North-Western and Eastern zones of India "should be *grouped* (author's italics) to constitute "Independent States". At the annual session of the League in Madras in 1941, a major portion of the Lahore Resolution, drafted in slightly different terms, was adopted as one of the aims and objects of the All-India Muslim League thereby amending the League constitution.[25] In this draft, it is interesting to note that the word 'together' was added after the word 'grouped'. The draft said that the "North-Western and Eastern zones of India, shall be *grouped together* (author's italics) to constitute Independent States as Muslim Free National Homelands in which the constituent units shall be autonomous and sovereign." However, it could still be claimed that both the Lahore Resolution and the draft which was incorporated in the League Constitution spoke of 'Independent States'. Thus, according to the Muslim League Constitution, the Muslim League was committed to the establishment of two Muslim 'Independent States' in the North-Western and Eastern zones of India.

In the subsequent statements and speeches of the League leaders, this confusion was glossed over and the impression that one gathered was that what the League really meant by the Lahore Resolution was the establishment of a single Muslim state including both the North-Western and the Eastern zones.[26] However, the first official statement by the Muslim League Organization that by the term 'Pakistan' in the Lahore Resolution they meant the establishment of a single sovereign state and not two independent states was made in the form of a resolution passed in the Muslim League Legislators Convention in April, 1946. The resolution demanded that the "zones comprising Bengal and Assam in the North-East and the

Punjab, the North-West Frontier Province, Sind and Baluchistan in the North-West of India....where the Muslims are a dominant majority, be constituted into a sovereign state...”; that “two separate Constitution-making bodies be set-up by the peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions.”[27]

It may also be pointed out that the Lahore Resolution did not specify the areas in the North-Western and Eastern zones where Muslims were in majority. Sir Muhammad Iqbal did try to delimit the area of the North-West Muslim state by suggesting that Ambala Division and some of those districts where non-Muslims predominated could be excluded. Similarly, the scheme put forward by Professor S. Z. Hasan and Dr. M. A. H. Qadri delimited the area of the Bengal Muslim Federation as that which included the adjacent District of Purnia (Bihar) and the Sylhet Division (Assam), but excluded the South-Western Districts of Howrah and Midnapore and the North-Western district of Darjeeling. It may be suggested that the vagueness of the Lahore Resolution was perhaps deliberately designed. Some writers have argued that this gave room to League leaders for bargaining and manoeuvering. It has been reported that Lord Mountbatten pointed out to the League leaders that the area of Pakistan as envisaged in the Lahore Resolution did not include the entire Provinces of Punjab, Bengal and Assam because the Lahore Resolution carefully used the phrase “areas in which the Muslims are numerically in a majority as in the North-Western and Eastern zones of India.” If the framers of the Lahore Resolution had been clear and confident about Muslim majority in the entire Provinces of Punjab, Bengal and Assam, they would have been more specific. Accordingly, Lord Mountbatten argued, the Muslim League could not oppose the partition of Provinces like Punjab and Bengal, as this was clearly hinted at by the Lahore Resolution itself, which used the term ‘areas’ without clearly defining what Provinces the term ‘areas’ constituted.

The origin of the word Pakistan has already been dealt with. In the Lahore Resolution there was no mention of the

word Pakistan. Mr. Jinnah made it clear in his Presidential Address in the Delhi session of the League in 1943 that it was not the Muslim League or Quaid-i-Azam who had coined it. It was originally coined by "some young fellows in London" in 1929-30 and they applied it only to the North-Western part of India. The opponents of the Muslim League "started damning this resolution on the ground that it was Pakistan", their propaganda being that Jinnah was working for the North-West and Eastern zones which were *Pak* (clean) and the others *Na-Pak* (unclean), and also that Pakistan meant alliance with other Muslim countries against Hindu India.

> "You know perfectly well that Pakistan is a word which is really foisted upon us and fathered on us by some section of the Hindu press and also by the British press. Now our resolution was known for a long time as the Lahore resolution, popularly known as Pakistan. But how long are we to have this long phrase? Now I say to my Hindu and British friends: We thank you for giving us one word."[28]

## III. Towards Partition

### 1. *The Cripps Mission*—1942

Soon after the Lahore Resolution was passed in March, 1940, there came a reassuring statement from the Viceroy, Lord Linlithgow, on August 8, 1940, which clearly stated that the British Government "could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government."

The next stage was reached with the announcement of the Cripps proposals in March, 1942. The Muslim League could claim that in the Cripps offer, "the possibility of Pakistan is recognized by implication by providing for the establishment of two or more independent Unions in India."[29] It was also laid down in the Draft Declaration

which Sir Stafford Cripps brought with him that the British Government was particularly concerned about the problem of protecting the rights of racial and religious minorities in a free India. It was clearly stated that the British Government would not impose any restriction on the power of the Indian Union to decide their relationship with other members States of the British Commonwealth in a treaty that would be negotiated between the British Government and the constitution-making body after the war. But the treaty would make provision, "in accordance with the undertakings given by His Majesty's Government for the protection of racial and religious minorities."[30]

The Congress Working Committee in its resolution of April, 1942, expressed its unhappiness at these proposals. "The acceptance beforehand of the novel principle of non-accession for a Province is also a severe blow to the conception of Indian unity and an apple of discord likely to generate growing trouble in the Provinces, and which may lead to further difficulties in the way of the Indian States merging themselves into an Indian Union." But still it did not want to veto any Province's or people's right of self-determination if they were determined to exercise it. The resolution of the Working Committee conceded this right in a grudging fashion.

> "Nevertheless, the Committee cannot think in terms of compelling the people of any territorial unit to remain in an Indian Union against their declared and established will. While recognizing this principle, the Committee feel that every effort should be made to create conditions which would help the different units in developing a common and co-operative national life."[31]

There was a strong section in the Working Committee of the Congress led by Gandhi which adopted a negative attitude towards the Cripps proposals. Gandhi's reported reaction to the Cripps Mission was that it was "a post-dated cheque on a bank that was obviously failing." The British were being conciliatory because they were in a precarious position. According to Azad, Gandhi argued against acceptance of the Cripps proposals in the Working

Committee because of his opposition to war. But there were others, like Nehru and Azad, who adopted a more constructive approach.[32] The latter section was willing to come to a settlement with the British Government if they would concede to the Provisional Government that would be formed during the war the status of a National Cabinet with full powers rather than a glorified Viceroy's Executive Council. The British Government, on the other hand, was against the idea of introducing a Cabinet system in the Viceroy's Executive Council even by convention for a Cabinet nominated by the major political organizations would be "responsible to no one but itself, could not be removed and would in fact constitute an absolute dictatorship of the majority." Again, the British Government took its stand on the pledges given to minorities. "This suggestion would be rejected by all Minorities in India, since it would subject all of them to a permanent and autocratic majority in the Cabinet."[33]

It would not be quite accurate to suggest, as Azad and other Congress leaders have suggested, that the problem of the transfer of Defence portfolio to Indian hands constituted an intractable difference of approach between the British and the Congress. The Congress regarded the problem of defence vital because due to the war situation the whole country had to be mobilized in order to support the war effort. The British Government were prepared to concede substantial control over the Defence portfolio and also were willing to transfer subjects like war finance, supplies for all forces and munitions, propaganda and publicity, civil defence, internal security, etc.—subjects which were all related to the general problem of defence—to Indian Executive Councillors.[34] This would have given to the Congress most of what it wanted. The Congress agreed with the British Government that the Commander-in-Chief would be allowed to have full control over the technical and operational sides of the war and also "that the higher strategy of the war should be controlled by the War Cabinet in London, which would have an Indian Member." Thus, the negotiations between the Congress and the Government

failed not so much because the Congress wanted substantial control over Defence but because the Congress was keen on acquiring de facto power in the Executive Council by transforming it into a Cabinet Government. This, as it has been pointed out earlier, the British Government was not prepared to concede.

As for the Muslim League, it was obvious that it was not in a very strong position, and it was widely believed that the League took a clear stand against the acceptance of the proposals after it became known that the Congress had rejected the proposals. Jinnah also complained that "the talks had been carried on with the Congress leaders over the heads of the Muslims, and other parties had been utterly ignored."[35] The League expressed its gratification that the possibility of Pakistan was recognized by implication. But it complained about how handicapped the Muslim majority Provinces were in the channels that were available to them to express their non-accession to India. In the Legislative Assemblies of Bengal and the Punjab, Muslims were in a minority. The Sind and Frontier Assemblies were so small and the weightage given to the non-Muslims so heavy, that a majority could not be easily manipulated. In the Provinces in which the Muslims could not obtain a majority in the Legislative Assemblies in favour of non-accession, the prescribed procedure was that a plebiscite would be held of the entire adult population and not of the Muslims alone. The League Working Committee regarded this as a denial of the right of self-determination to Muslims.[36] This was presumably a bargaining attitude, for how could the non-Muslims in the non-acceding Provinces be coerced into throwing their lot in with the Muslims when the Muslims of those Provinces had voted in favour of non-accession to India? What the League could have suggested was that the Muslim majority Provinces be demarcated in such a way that the districts or divisions in which Muslims were not in majority could be separated from them. Muslims of the demarcated areas could then be asked to vote on the question of non-accession. But probably Jinnah did not want to weaken his

bargaining position by disclosing all his cards.

2. *Gandhi-Jinnah Talks*—1944

The Gandhi-Jinnah talks took place during the month of September, 1944. They were brought about largely by the efforts of C. Rajagopalachari, the former Congress Premier of Madras, to resolve the Congress-League deadlock on the issue of Pakistan. Ever since April-May, 1942, Rajagopalachari had been trying to persuade the Congress to acknowledge the Muslim League's claim for separation. Such a long-term arrangement, he thought, might enable the Congress and the League to come to an immediate understanding as regards the formation of a national administration to tackle the present war situation. He moved a resolution to this effect before the All-India Congress Committee when it met during April-May, 1942. But the resolution was rejected.[37] The Congress Committee passed another resolution which stated:

> " . . . That any proposal to disintegrate India by giving liberty to any component state or territorial unit to secede from the Indian Union or Federation will be highly detrimental to the best interests of the people of the different States and Provinces and the country as a whole and the Congress, therefore, cannot agree to any such proposal."[38]

Rajagopalachari continued with his efforts and it was being increasingly felt on the part of other leaders as well that the League and Congress should make an earnest effort to arrive at an understanding. Jinnah's complaint was that the Congress by passing the 'Quit India' Resolution in August, 1942, had deliberately tried to coerce the British Government at a time when they were engaged in fighting the war into handing over the reins of the Government of India to the Congress. However, responding to the appeals that were being made to him that he should take the initiative in opening negotiations with the Congress, he declared in his Presidential Address to the League in Delhi in April, 1943:

"Nobody would welcome it more than myself if

> Mr. Gandhi is even now really willing to come to a settlement with the Muslim League on the basis of Pakistan. . . . If he has made up his mind, what is there to prevent Mr. Gandhi from writing direct to me?. . . I cannot believe for a single moment—strong as this Government may be in this country—you may say anything you like against this Government—I cannot believe that they will have the daring to stop such a letter if it is sent to me."[39]

Gandhi did write a letter to Jinnah from prison but the Government refused to forward the letter and merely conveyed the gist of the letter saying that Gandhi wished to meet Jinnah. When a section of the Hindu press commented sarcastically on Jinnah's reluctance to take a firm stand against the Government when they had, despite his challenge, refused to forward the letter, Jinnah's explantion was: "This letter of Mr. Gandhi can only be construed as a move on his part to embroil the Muslim League to come into clash with the British Government solely for the purpose of helping his release, so that he will be free to do what he pleases thereafter."[40] Jinnah further continued:

> "I, therefore, suggested that if Mr. Gandhi were to write to me a letter indicating that he was prepared to retrace his steps and abandon his policy and programme culminating in the resolution of the A.-I.C.C. of August 8, and was even now willing to come to a settlement with the Muslim League on the basis of Pakistan, we were willing to bury the past and forget it. I still believe that the Government will not dare to stop such a letter if it came from Mr. Gandhi."[41]

Jinnah was at his best in this sort of tactical warfare. He was not satisfied with a mere desire on the part of Gandhi to meet him and explore the possibilities of a settlement. He wanted at first a total surrender from Gandhi on fundamentals, and once this was made, he was prepared to negotiate on details. This again goes to show that he was in no hurry to arrive at a compromise agreement with the Congress on some of the basic issues but probably wanted to wait until he was politically much stronger to obtain the

best terms that the League and the Muslims could get.

The correspondence that took place on the points at issue between the two leaders during the talks at Bombay also confirmed the impression that Jinnah was biding his time. First of all, Jinnah pointed out that it was difficult to negotiate with Gandhi when he had openly stated during the talks that he had come to discuss the Hindu-Muslim settlement in his individual capacity and not as a representative of the Hindus or the Congress. It would be difficult to deny that this did present a formidable difficulty to the League leader. On the other hand, Gandhi himself could not have adopted any other position for the members of the Congress Working Committee were in jail and therefore he could only speak as an individual who would try to persuade the Congress to accept any understanding arrived at between himself and the League leader.

Jinnah contended that the Rajagopalachari formula, on the basis of which Gandhi wanted to continue his discussions, did not fully concede the basic demands of the Lahore Resolution. The formula suggested that the North-Western and Eastern areas of India should be demarcated so that the wishes of the inhabitants of the area might be ascertained. Jinnah insisted that Gandhi should first concede that the two zones of Pakistan would comprise the six Provinces of Sind, Baluchistan, the North-West Frontier Province, the Punjab, Bengal and Assam.

In fairness to Gandhi, it may be pointed out that Gandhi did concede that the North-Western and Eastern zones would comprise the six Provinces that Jinnah referred to. All that Gandhi insisted was that Muslims could get only that part of the Punjab "where they are in absolute majority over all the other elements and in parts of Bengal and Assam where they are in absolute majority, desire to live in separation from the rest of India."[42] Thus, there was really no serious difference in the views held by Jinnah and Gandhi in so far as the area of Pakistan was concerned. And indeed, the area of Pakistan that came to be established after August, 1947, was about the same area that Gandhi was willing to concede in September, 1944.

Where Gandhi did strike a note of disagreement was with regard to the claim of the Lahore Resolution that Muslims were a separate nation. He was willing to accord to the Muslims the right of separation, not because they formed a separate nation but only because they wanted to separate themselves from "one family consisting of many members."[43]

If one started from the position that Muslims were a separate nation, then it followed that they would form a separate national state of their own. This was Jinnah's position and presumably that of the Lahore Resolution. On the other hand, if one started from Gandhi's point of view that India was a sort of joint family, some of whose members were breaking away from the family, then one would think in terms of a confederal or federal arrangement under which the separated members would still come together by a treaty or some other arrangement to "provide for the efficient and satisfactory administration of foreign affairs, defence, internal communications, customs, commerce and the like, which must necessarily continue to be the matters of common interest between the contracting parties."[44] This probably created the suspicion in Jinnah's mind that Gandhi was still thinking in terms of some sort of a federal or confederal arrangement and not in terms of two sovereign, separate and independent States.[45]

However, even this difference in approach was not an insurmountable obstacle to a compromise or an understanding. If the Muslims unitedly and clearly were to insist on total separation (as they actually did and thus won Pakistan), no amount of Hindu or Congress opposition could have stopped them. What must have made Jinnah reluctant to come to any definite and clear understanding with Gandhi at that time was his own position as a leader of the Muslims. In September, 1944, Jinnah was not sure whether he could produce overwhelming support for his demand among the Muslims if a plebiscite were to be held. Secondly, there was no guarantee that if Gandhi had come to a definite understanding with the League on these issues,

that the Congress leaders, after coming out of jail, would abide by the terms of agreement. Finally, as a lawyer and as a hard-headed negotiator, Jinnah could not visualize Pakistan being achieved only because the Congress and the League had agreed to divide the country. The party who had the power, namely, the British Government, was not in the picture. Gandhi suggested that this difficulty could be overcome by the Congress and the League, immediately on the acceptance of an agreement, deciding on a common course of action for the attainment of independence for India.[46] This approach, Jinnah probably thought, was fraught with risks and dangers. There was the sad experience of the joint struggle waged for the Khilafat and Indian independence. It was likely that another struggle might also degenerate into communal warfare.

Why did Jinnah agree to hold these talks when he probably knew that nothing concrete or useful would emerge from these discussions? The answer lay in the great tactical and political victory that Jinnah snatched from these talks. For the first time, it was clearly and publicly recognized that here were two leaders, Gandhi representing the Hindus, and Jinnah representing the Muslims, meeting, as it were, at the summit, to resolve the political deadlock in India. The image of himself and the Muslim League as the sole representative of Muslim India that Jinnah was so assiduously trying to establish in India and abroad assumed a concrete shape after these talks and a precedent once established was duly followed in subsequent talks.

### 3. *The Wavell Plan—The Simla Conference*—1945

It has already been seen that the Cripps proposals envisaged the formation of a provisional popular government in India so that during the war India might be able to bring about a more efficient mobilization of its moral and material resources. Rajagopalachari had the same objective when he tried to persuade the Congress to concede in substance the Muslim League demand of Pakistan. Similarly, an attempt was made in the beginning of 1945

to bring about an understanding between the Congress and the League so that the two parties might participate in the formation of an Interim Government at the Centre. It was hoped that such an interim arrangement might create the climate for a better and long-term understanding between the two parties. This was the Desai-Liaquat Pact which started taking shape towards the end of 1944. It was a Pact between Bhulabhai Desai, the Leader of the Congress Party in the Central Legislature, and Liaquat Ali Khan, the Deputy Leader of the Muslim League Party in the Central Legislature.

There is no accepted authoritative text of the Pact.[47] The broad outlines of the Pact were that the Congress and the League would join on the basis of parity in forming an Interim Government at the Centre. Representatives of minorities like the Scheduled Castes and the Sikhs would also be included in the Government. The Government would function within the framework of the Government of India Act, 1935. According to the text of the draft published by Liaquat Ali Khan, it was agreed that if the Cabinet could not get a particular measure passed in the Legislative Assembly, it would not seek recourse to the reserve powers of the Governor-General. Again, the same version of the Pact also laid down that the Interim Government should secure the release of the Congress Working Committee members. All the versions of the Pact agreed as regards the provision that the Interim Government would take steps to secure the withdrawal of Section 93 administrations in the Provinces and have them replaced by coalition Ministries consisting of both Congress and League elements.

Bhulabhai Desai obtained Gandhi's blessings for his attempts to bring about this Pact. The Viceroy, Lord Wavell, also was in favour of such a plan and got in touch with the Secretary of State to obtain his reactions. The British Cabinet sought clarification on a number of points before giving their full approval. They wanted to know whether there had been a change in the attitude of the Congress Party, whether they would support Desai, and how far the members of the proposed Interim Government

would be subject to control by their Party caucuses. Lord Wavell, having obtained Desai's assurance that Gandhi would support the Pact, asked Sir John Colville, the Governor of Bombay, to contact Jinnah on his behalf to find out what his reactions were. Jinnah had already made a public statement to the effect that he had no knowledge of the Desai-Liaquat Pact. "Sir John Colville saw Jinnah, who stated that he knew nothing about the talks between Desai and Liaquat Ali Khan and that the proposals had been made without any authority from the League."[48]

This meant that Liaquat Ali Khan had come to some sort of a clandestine understanding with Desai without informing Jinnah. If this were true, he had committed breach of trust and also flouted the clear directives of the Muslim League Party. Each year it was the President who was given the authority till the next session by the annual session of the Muslim League to conduct negotiations with other parties or take any steps that he deemed necessary for the furtherance of the objectives of the League. In this scheme, Liaquat Ali Khan had not only overstepped his powers, but also, as Secretary of the Muslim League, had not kept the President informed of such a serious proposal as the Desai-Liaquat Pact. According to the verbal evidence that was made available to the author by several members of the then Muslim League Working Committee as well as by persons who were very close to Jinnah, Quaid-i-Azam expressed his strong disapproval to Liaquat for his conduct in this episode. The author understands that Liaquat's own explanation was that it was high time that an understanding should be brought about between the two major communities because the British were likely to leave any moment. Jinnah and Gandhi, being older men, had so far adopted a rigid attitude and thus, not been able to bring about a Hindu-Muslim agreement. Liaquat felt that younger men should make an attempt.

Lord Wavell was basically a soldier. As a soldier, he thought that India's defence could best be organized and maintained if it continued as a united political and administrative country. In an address to the Central

Legislature in February, 1944, he declared, "You cannot alter geography. From the point of view of defence, of relations with the outside world, of many internal and external economic problems, India is a natural unit...That two communities and even two nations can make arrangements to live together in spite of differing cultures or religions, history provides many examples."[49] Lord Wavell's hope was that if he could get the various party leaders to work together in an Interim Government, he might be able to persuade them by patience and tact to come to some sort of a long-term agreement which would preserve the unity of the country. He hoped that problems like successful conclusion of the war against Japan, and, above all, preparations of plans for the post-war agricultural and industrial development of India, would one and all inject into the thinking of political leaders a sense of realism and an awareness of the enormity of problems that faced India. Thus, instead of being absorbed in day-to-day partisan bickerings, the new administrative problems and the result of working together to solve them would infuse into them a constructive and tolerant point of view. But as a soldier and as an administrator, he underrated the enormous political chasm that divided the Congress and the League.

Lord Wavell visited England towards the end of March, 1945. In June, 1945, L. S. Amery, Secretary of State for India, announced that as a result of the discussions that were held between the Government and the Viceroy, it was proposed that the Executive Council should be reconstituted to include leaders of Indian political parties in such a way that a balanced representation was given to the main communities, including an equal proportion of Muslims and caste Hindus. This would not entail any change in the existing statute law except for one amendment to the Ninth Schedule to the Government of India Act, 1935. According to a provision in that Schedule, not less than three members of the Executive Council must have put in at least ten years' service under the Crown in India. Presumably, if the Congress and the League agreed to join the Council,

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this clause would have to be amended. All the members of the Executive Council would be Indians, except the Viceroy and the Commander-in-Chief, who would retain his position as War Member. This meant that the defence of India would continue to be a British responsibility. Similarly, no change in the relations of the Crown with the Indian States through the Viceroy as Crown representative was contemplated.

The Viceroy, in order to place these proposals before the Indian leaders and explore the possibilities of the formation of a reconstituted Executive Council, called a Conference at Simla which began its deliberations on June 25, 1945. From the very beginning it was clear that there was a fundamental disagreement between the Congress and the League as regards the right of the Congress and other non-League groups to nominate Muslim members to the Executive Council. Jinnah took the stand that the Congress could include only Hindu members in its quota to the Executive Council. This was challenged by Azad in the Conference. Lord Wavell also agreed that the position of the Muslim League was not reasonable. According to Azad, the provisional list which Lord Wavell had himself prepared had four names, in addition to the quotas of five each allotted to the Congress and the Muslim League respectively. The four additional members in the provisional list consisted of a representative of the Sikhs, two from the Scheduled Castes and the fourth was Malik Khizr Hyat Khan Tiwana, the Unionist Premier of the Punjab.[50] Jinnah could not tolerate this, as the Executive Council, according to this arrangement, would have two non-League Muslim members, one, the Unionist Premier of Punjab, and the other, a Muslim member from the Congress quota. Probably, as he himself indicated after the breakdown of the Conference, the factor which finally broke the Conference was the inclusion of Khizr Hyat Khan as a representative of the Punjab Muslims.[51] This, he rightly regarded, would have been a deadly blow to the Muslim League *vis-a-vis* Pakistan because it would have meant that a non-League Muslim would have been included in

the Executive Council as a representative of the Punjab, which was the heart of Pakistan.

Khizr Hyat in a press statement contested Jinnah's statement that the Conference broke down because of the insistence of the Viceroy on including him in the Executive Council. But Jinnah's statement is borne out by V. P. Menon. It seemed that the Viceroy even went so far as to suggest to Jinnah that the Muslim League would get only four seats and "the fifth place would have to go to a Punjabi Muslim who did not belong to the League."[52] Jinnah complained that the Muslim League would be reduced to a minority of one-third in the Executive Council as the representatives of the Scheduled Castes, Sikhs and Christians were likely to vote with the Congress. "Ethnically and culturally, they are very closely knitted to Hindu society."

When Lord Wavell announced the failure of the Simla Conference on July 14, 1945, it was clear that despite Lord Wavell's statement that the responsibility for the failure of the Conference was his, it was Jinnah's uncompromising attitude which had wrecked the Conference. Lord Wavell said, ". . . He was so decided that I felt that it would be useless to continue the discussions."

It would be interesting to speculate as to whether the Muslim League was completely united behind Jinnah's implacable opposition to the Viceroy's proposals. V. P. Menon has written that Husain Imam, a member of the League Working Committee who attended the Conference as Leader of the Muslim League Party in the Council of State, urged him to see Liaquat Ali Khan in order to find a way out of the impasse. "He gave me the impression that the members of the Working Committee of the Muslim League were far from unanimous in rejecting the Viceroy's offer."[53] Husain Imam presumably referred to that minority in the Working Committee, probably led by Chaudhri Khaliquzzaman, who were keen on coming to an understanding with the Congress. They were quite opposed to Khizr Hyat Khan being included in the Interim Government, but were probably not totally

averse to the idea of the Congress nominating a Muslim in their quota. There was also a feeling in the League Working Committee that Jinnah had pitched his demands far too high in asking for parity for Muslims with caste Hindus when Muslims were only about 25 per cent. and the caste Hindus about 60 per cent. of the population. All this goes to show that had it not been for the so-called 'intransigence' of Jinnah, Pakistan might not have been achieved within slightly more than seven years of the Lahore Resolution.

Why did Jinnah 'wreck' the Simla Conference? Was he trying to wreck it deliberately from the very beginning? First of all, it was clear that whatever the differences in the League Working Committee, they were quite unanimous behind Jinnah's unshakable opposition not to let Khizr Hyat be included as a representative of the Punjab Muslims in the Interim Government. Once Jinnah came to know that the Viceroy was keen on Khizr's inclusion, he was determined to wreck the Conference. He knew that once it became clear to all the Muslim leaders and particularly the Muslim leaders of Punjab that they were not likely to get any prize offices by remaining outside the Muslim League, they would all have to flock to the Muslim League.

It has also been suggested that Jinnah was confident that his opposition would seal the failure of the Conference because he had been advised by a member of the existing Viceroy's Executive Council to stand firm.[54] One can only guess as to who this member was. It was probably Sir Firoz Khan Noon, the Defence Member of the Executive Council, who had always been deferential towards the Quaid-i-Azam, who suggested to Jinnah that the Viceroy was not likely to go ahead with his plans without Jinnah's support. Sir Firoz, being a senior Muslim leader from Punjab, probably did not relish the idea of a junior leader like Khizr Hyat getting into the Executive Council and particularly when he himself would have to be excluded in this process.

One may also advance the view that probably Jinnah was not very keen that the Simla Conference should succeed because his claim that the Muslim League was the

sole representative organization of the Muslims had not yet been established through general elections. The Muslim League had grown popular, but it was still not strongly entrenched in so far as the Provincial governments in Muslim majority Provinces were concerned. The Frontier Province was under a Congress Ministry, Bengal was under Section 93, whereas Punjab had a Unionist Ministry. The Sind Ministry, under Sir Ghulam Hussain Hidayatullah, depended on Congress support. Therefore, it may be argued that Jinnah wanted fresh elections to be held so that the Muslim League might be given a chance to capture some of these Ministries. He was probably confident that as the prospects of Pakistan became brighter, the Muslims in Punjab and particularly the Muslim officials, would do everything to unseat the Unionist Ministry. Thus, it was in the interests of the Muslim League that the Simla Conference should fail.

*Dawn*, the official organ of the Muslim League, in its editorial of June 15, 1945 said that "with regard to the Muslim moiety, the Musalmans will tolerate no infiltration of non-League stooges to humour any party." This challenge was answered by the Congress Working Committee when it declared in its instructions issued to its representatives attending the Conference that the idea of the Muslim League exercising the exclusive right to nominate all the Muslim members of the National Government should be firmly resisted.[55]

In fairness to Jinnah, it must be said that when he argued that the Muslim League was the sole, authoritative representative of the Muslim nation, he did not mean that it represented each and every Muslim. Even though Pakistan was not yet a reality, he was thinking along the lines that the Muslim League represented the Muslim nation in the same sense that a British party government represented the British nation.

Azad was right when he said that, "The Simla Conference marks a breakwater in Indian political history." The Congress was beginning to realize that the achievement of Indian independence was not simply a

matter of forcing the British Government to agree to their demands, but that there was an equally important third party, the Muslim League, without whose consent no long-term settlement of the Indian problem could be brought about.

FOOTNOTES

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3. V. P. Menon, *The Transfer of Power in India* (Calcutta: Orient Longmans, 1957), pp. 361-365.
4. Quoted in R. Palme Dutt, *India today and tomorrow,* (London: Lawrence and Wishart, 1955), p. 239.
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6. *The Indian Annual Register* 1924, Vol. II (Calcutta), p. 478.
7. Dr. Sir Muhammad Iqbal, *Presidential Address, Allahabad Session, December,* 1930 (Delhi: All-India Muslim League, 1945), p. 12.
8. *Ibid.,* pp. 10-11.
9. *Ibid.,* p. 15.
10. Choudhry Rahmat Ali, *Pakistan the Fatherland of the Pak Nation* (London: The Pak National Liberation Movement, 1947), p. 225.
11. *Ibid.,* p. 225.
12. The Earl of Halifax, *Fulness of Days* (London: Collins, 1957), p. 125.
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14. Azim Husain, *Fazl-i-Husain* (Bombay: Longmans, 1946), p. 310.
15. *Resolutions of the All India Muslim League From October* 1937 *to December* 1938 (Delhi: All India Muslim League, 1944), pp. 78-82.
16. *Resolutions of the All India Muslim League From March* 1939 *to March* 1940 (Delhi: All India Muslim League, n.d.), pp. 1-2.
17. *The Indian Annual Register* 1939 Vol. I (Calcutta), p. 374.
18. Sir Maurice Gwyer and A. Appadorai (eds.), *Speeches and Documents on the Indian Constitution* 1921-47, Vol. II (Oxford: London, 1957), pp. 444-455.
19. *Ibid.,* pp. 462-465.
20. R. Coupland, op. cit., Part II, pp. 203-204.
21. Alhaj Mian Ahmad Shafi, *Haji Sir Abdoola Haroon A Biography* (Karachi: Begum Daulat Anwar Hidayatullah, n.d.), pp. 138, 140.
22. Sir Maurice Gwyer and A. Appadorai (eds.), *op. cit.,* pp. 455-462.
23. *The Punjab Legislative Assembly Debates,* March 11, 1941.
24. G. M. Sayed, *Struggle for New Sind* (Karachi: 1949), pp. 93-94.

25. *Resolutions of the All India Muslim League From March* 1940 *to April* 1941 (Delhi: All India Muslim League, n.d.), p. 35.
26. *Jinnah-Gandhi Talks* (September, 1944) (Delhi: All India Muslim League, 1944), pp. 40, 44, 75.
27. *Resolutions of the All India Muslim League From January* 1944 *to December* 1946 (Delhi: All India Muslim League, n.d.), pp. 46-47.
28. Jamil-ud-Din Ahmad (ed.), *Speeches and Writings of Mr. Jinnah*, Vol. I (Lahore: Ashraf, 1960), p. 509.
29. *Resolutions of the All India Muslim League From April* 1942 *to May* 1943 (Delhi: All India Muslim League, n.d.), p. 2.
30. Sir Maurice Gwyer and A. Appadorai (eds.), Vol. II, *op. cit.*, p. 520.
31. *Ibid.*, p. 525.
32. Maulana Abul Kalam Azad, *India Wins Freedom* (Calcutta: Orient Longmans, 1959), p. 50.
33. Sir Maurice Gwyer and A. Appadorai (eds.), Vol. II, *op. cit.*, p. 537.
34. *Ibid.*, p. 536.
35. V. P. Menon, *op. cit.*, p. 133.
36. *Resolutions of the All India Muslim League From April* 1942 *to May* 1943, *op. cit.*, p. 5.
37. Sir Maurice Gwyer and A. Appadorai, *op. cit.*, p. 547.
38. *Ibid.*, p. 547-548.
39. Jamil-ud-Din Ahmad, Vol. I, *op. cit.*, p. 499-500.
40. *Ibid.*, pp. 514-515.
41. *Ibid.*, p. 516.
42. *Jinnah-Gandhi Talks*, *op. cit.*, p. 37.
43. *Ibid.*
44. *Ibid.*, p. 38.
45. *Ibid.*, p. 44.
46. *Ibid.*, pp. 38-39.
47. A text entitled "Text of the Draft Desai-Liaquat Ali Pact, 1944 as published by Nawabzada Liaquat Ali Khan" is in Sir Maurice Gwyer and A. Appadorai (eds.), Vol. II, *op. cit.*, pp. 556-557. A different text is given in V. P. Menon, *op. cit.*, pp. 176-177.
48. V. P. Menon, *op. cit.*, p. 178.
49. Sir Maruice Gwyer and A. Appadorai, *op. cit.*, p. 557.
50. Maulana Abul Kalam Azad, *op. cit.*, p. 114.
51. Jamil-ud-Din Ahmad (ed.), *Some Recent Speeches and Writings of Mr. Jinnah*, Vol. II, (Lahore: Ashraf, 1947), pp. 381-382.
52. V. P. Menon, *op. cit.*, p. 206.
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54. *Ibid.*
55. Sir Maurice Gwyer and A. Appadorai, *op. cit.*, p. 561.

# V

## THE EMERGENCE OF PAKISTAN—II

### I. The Cabinet Mission Plan—1946

The Viceroy and the British Government had so far tried to create a better atmosphere for a long-term settlement by bringing about a short-term agreement. The best instrument of achieving the latter, they thought, was the formation of an Interim Government in which the party leaders would be expected to look at the various administrative problems from a broad point of view. This approach had borne no fruit, and Sir Stafford Cripps, commenting on the failure of the Simla Conference, hinted at the direction in which the mind of the Government was working. " . . . It is obviously desirable not to waste further time trying to arrive at a temporary arrangement, which is mixed up inexplicably with problems of permanent settlement, especially with that of the unity of British India." The previous Conservative Government had mostly talked in terms of not allowing the majority to ride rough-shod over the interests of the minorities in India. The present Labour Government, though suspected by the Muslim League of pro-Congress sympathies, was very keen to evolve some sort of a long-term arrangement without being partial to one side or the other. Thus, Sir Stafford in the same statement pointed out: "It would not be right to allow any Minority, however large and important, to hold up the attainment of self-government in India, any more

than it would be right to force the Muslim Majority Provinces into a new constitutional arrangement to which they took fundamental objection." In spite of this tightrope walking, it was becoming clear that the issue of Pakistan could not be avoided. Sir Stafford Cripps quite frankly admitted that in arriving at a permanent settlement, Pakistan must form a major issue. He urged the necessity of holding new elections in India, "to form from the representatives so elected a Constituent Assembly to work out a new free self-government Constitution for British India or such part of it as was ready to consent to such a Constitution."[1]

This was followed by elections to the Central and Provincial Legislatures which started towards the end of 1945. The election results of the Central Legislative Assembly were available towards the end of December, 1945. The Muslim League won every Muslim seat and the Nationalist Muslims, who opposed it, forfeited their deposits in many cases. The success of the Congress was also very impressive in general constituencies and many opposing candidates withdrew in these constituencies. In the Central Legislative Assembly, the party position was as follows: Congress—57; Muslim League—30; Independents—5; Akali Sikhs—2; and Europeans—8. The total number of elected seats was 102. In the Provinces, Congress successes enabled it to form Ministries in Assam, Bihar, the United Provinces, Bombay, Madras, the Central Provinces, Orissa and the North-West Frontier Province. The Muslim League achieved an equally impressive success, but could form governments only in Bengal and Sind. In the Punjab, the Muslim League obtained 75 out of a total of 86 Muslim seats, but since the 75 Muslim seats it had won did not have a clear majority in a House of 175 and also owing to the opposition of other non-Muslim parties, the Muslim League could not form a Ministry. A Ministry was formed by Khizr Hyat Khan with the help of Congress and Sikh support. It should also be noted that the Congress success in forming a Ministry in the North-West Frontier Province was a serious blow to the Muslim League. The Congress had won 19 Muslim seats as

opposed to 17 Muslim seats won by the Muslim League. The Muslim League could claim that this was largely because of the personal influence of the Khan brothers. The Muslim League did succeed in making the Ministry unpopular by launching a Province-wide agitation later on the issue of Pakistan.[2]

After his discussions with the British Government in London, the Viceroy announced in December, 1945, that it was the intention of the British Government to convene a constitution-making body soon after the elections. In this connection, the Viceroy proposed to hold discussions with the elected representatives in the Legislative Assemblies as well as with the representatives of Indian States to ascertain whether the Cripps proposals of 1942 were acceptable or whether they preferred an alternative or modified scheme. It was also proposed that a new Executive Council should be formed which had the support of the main Indian parties. On February 19, 1946, Lord Pethick-Lawrence, Secretary of State for India, announced in the House of Lords that the Government had decided to send a Cabinet Mission to assist the Viceroy in these deliberations. The Cabinet Mission was to consist of Lord Pethick-Lawrence, the Secretary of State for India, Sir Stafford Cripps, President of the Board of Trade, and Mr. A. V. Alexander, First Lord of the Admiralty.

The Cabinet Mission, soon after its arrival in New Delhi on March 24, 1946, plunged itself into a series of discussions with the representatives of the Congress, the Muslim League, the Sikhs, and the Hindu Mahasabha. Liberal leaders like Sir Tej Bahadur Sapru and M. R. Jayakar were also interviewed. While the Cabinet Mission was holding these discussions, both the Congress and the League were busy digging their trenches in order to drive as hard a bargain as possible. The Congress made it clear that it would never agree to the partition of India. The Muslim League, through a Convention held in April 7-9, 1946 of over 400 Muslim Legislators who had been elected on the Muslim League ticket to the various Assemblies, declared that "the Muslim nation will never submit to any consti-

tution for a united India and will never participate in any single constitution-making machinery set up for the purpose." It demanded that the zones comprising Bengal and Assam in the North-East and the Punjab, the North-West Frontier Province, Sind and Baluchistan in the North-West of India should be constituted into the sovereign State of Pakistan.

It was obvious that both parties approached the constitutional problem from two opposite points of view. Jinnah's solution was to dismantle the existing Central structure of the Government of India and reconstruct it on the basis of Pakistan. After the establishment of Pakistan, he was prepared to arrive at an amicable arrangement with the rest of India on a treaty basis. Once Pakistan was conceded, he was not averse to the idea of a super Centre on an agency basis entrusted by both states to look after certain common subjects.[3] The Congress position was diametrically opposite. They would start with the existing Centre and were willing to subtract from the Central list certain subjects in which the Provinces wanted to be autonomous. The Cabinet Mission pointed out to Jinnah that he could not have the six Provinces in their entirety, claiming full sovereignty for the proposed State of Pakistan. There were a number of districts in the area that he claimed which had non-Muslim majorities. If he wanted full sovereignty, he should be satisfied with a Pakistan which was much smaller. If he wanted the whole area, then he should be willing to relinquish some part of the sovereignty to a Union Centre. In other words, in the latter case, there would be a sort of three-tier Federation with Provinces at the lowest level, followed by Federations or groups, which in their turn would be linked for certain common subjects to a Union Centre. Jinnah was not agreeable to the three-tier Union scheme, but it was obvious that he was bargaining for the best deal. He suggested that if the Congress viewed his demand of six Provinces in their entirety as excessive, they should tell him what he ought to have.

The Cabinet Mission found that they were getting nowhere, either with the League or with the Congress.

Jinnah was demanding more or less his full, sovereign Pakistan. The Congress, on the other hand, was even opposed to the creation of an All-India Union on a three-tier basis. The Mission thought that perhaps the best way to resolve this tangle was to proceed on a new line of approach. Their scheme was that a new Interim Government should be formed which would be entrusted with the task of setting up an All-India Commission from the elected members of the Provincial and Central Assemblies. This Commission would be called upon to determine principally whether there should be one or two sovereign States in British India. If the Commission failed to arrive at an agreement on this matter within thirty days, the question would be decided by taking votes. If the dissenting minority amounted to more than a certain prescribed percentage, the question whether they should be allowed to form a separate State would be decided as follows: The Muslim representatives in each of the Legislative Assemblies of Sind, the North-West Frontier Province, the Punjab, and Bengal (with the addition of the district of Sylhet from Assam) would meet separately to decide whether they would like to separate from the rest of India. Baluchistan would also be separated if the contiguous Provinces voted for separation. Similarly, if the Muslim representatives of the North-West Frontier Province voted against separation, the Province would still have to be separated if the surrounding Provinces voted for it. It would be possible for the non-Muslim representatives of districts in which the non-Muslims were in majority and which were contiguous to the main part of India to vote whether these districts should be separated from their parent Provinces and attached to the territory of India. If 75 per cent. of the Muslim representatives voted for separation, they would have a Constituent Assembly to frame a constitution for their own area. Even this ingenious scheme was turned down both by the Congress and the Muslim League.[4]

The Cabinet Mission once again turned towards the three-tier scheme as a possible way out. It may be recalled that the Congress had already expressed their opposition

to the latter scheme, but probably Azad, who wanted to avoid partition at any cost, persuaded the Congress to agree to accord maximum autonomy to Provinces as a better alternative than the partition of the country. He issued a lengthy statement on April 15, 1946 in which he tried to show that Pakistan would be detrimental to the interests of Muslims themselves. He pointed out that all the Muslim fears of Hindu domination at the Centre would cease to exist if the Congress were to agree to grant full autonomy to the Provincial units. He suggested that there could be two lists of Central subjects, one, compulsory, and the other, optional. The Provincial units could administer all the optional subjects except a minimum of compulsory subjects delegated to the Centre.[5] The Cabinet Mission felt encouraged by this reaction. When Jinnah was informed of this development, he was not enthusiastic about the scheme, but was willing to discuss the proposal with the Congress after seeking the approval of his Working Committee. The concrete proposal that the Mission put forward in writing to the Congress and the League was that the three-tier Federation would be constructed as follows:

1. The All-India Union Government and Legislature would deal with Foreign Affairs, Defence, Communications, Fundamental Rights and would have the necessary powers of taxation to raise the finances required for these subjects.
2. In the Government and the Legislature of the Union equal representation would be given to the Muslim majority Provinces or their group and to the Hindu majority Provinces or their group. In addition to these, there would be representatives from the States.
3. The residuary powers would vest in the Provinces. Provinces could form groups and such groups would determine what Provincial subjects they should deal with in common.
4. There would be a provision both in the constitutions of the Union and the groups

> whereby any Province, if a majority in its Legislative Assembly so desired, could call for a reconsideration of the terms of the constitution after an initial period of ten years and at ten yearly intervals thereafter.

The Cabinet Mission also put forward its proposals as regards the composition of the Constituent Assembly. The most important of these dealt with the meetings of three sections of Provinces—one section each for Hindu and Muslim majority Provinces and the third for the States. It was laid down that after the preliminary meeting of the Constituent Assembly at which the general order of business would be settled, the Assembly would divide itself into the three sections of Provinces. The two sections representing Hindu and Muslim majority Provinces would meet separately to decide the Provincial constitutions for their group and, if they so desired, a group constitution. This was a major concession to the Muslim League in the sense that the Muslim Provinces would be allowed to meet in their sections and decide their respective constitutions as well as their group constitutions. But once these were settled, any Province which did not wish to remain in the original group to which it was assigned could opt out of that group, join another group or remain outside all groups. This was presumably a concession to the Congress for a Province like Assam which had a Hindu majority but which was likely to be placed in a Muslim group. Finally, the three sections were to meet as the Constituent Assembly to settle the constitution for the Union on the lines suggested by the Cabinet Mission in the previous paragraph. Another major concession to the Muslim League was that the Constituent Assembly could not by a simple majority write into the Union Constitution any provision which involved a communal issue. Such provisions could only be considered to have been passed by the Assembly if a majority of both the two major communities voted in its favour.[6]

Discussions dragged on and despite a special conference that took place between the 5th and 12th of May, the gulf

between the two parties had still to be bridged. This was well reflected in the proposals that the two parties had put forward to the Cabinet Mission. Some of the salient points in the demands put forward by the Muslim League were significant because for the first time Jinnah was submitting something in writing which compromised his demand for Pakistan. The six Muslim Provinces known as the 'Pakistan Group' would have a separate constitution-making body which would frame constitutions for the group and the Provinces in the groups. This constitution-making body would determine the list of subjects that would be vested in the constituent Provinces and the list of subjects that the Pakistan Federation would be entrusted with. The two Federations, the Pakistan Group and that formed by the Hindu Provinces, would come together under a Union which would deal with subjects like Foreign Affairs, Defence and Communications necessary for defence. It was also stipulated in the League memorandum that there should be parity of representation between the two Federations in the Union Executive and the Legislature, if they were formed.[7]

The proposals submitted by the Congress differed fundamentally from those of the League. The Congress suggested that the first step should be for the Constituent Assembly for the whole of India to meet and later on it could be decided if the Provinces desired to form groups. It was made clear that it was up to the Provinces to function as a group and let the group frame their constitutions. It was pointed out that Assam could not belong to the Muslim group. Nor was the North-West Frontier Province in favour of joining the Muslim group, as the elections had indicated. The Congress was similarly opposed to the principle of parity of representation between groups of Provinces, either in the Union Executive or in the Legislature. They were of the opinion that the provision that on no major communal issue could a decision be taken by the Constituent Assembly unless a majority of the members of the community concerned present and voting in the Constituent Assembly were in its favour was an adequate safeguard

for all minorities.[8]

The Cabinet Mission announced their plan on May 16, 1946. They had to put forward their own proposals because they said that even though the Congress and the League "had made considerable concessions", there still remained a gap to be filled between the positions of the two parties. They turned down the demand for a sovereign State of Pakistan as impracticable and unworkable. First of all, the six Provinces claimed by the League would have a non-Muslim minority of 37.93 per cent. in the North-Western area and 48.31 per cent. in the North-Eastern area. In this respect, they were not being quite fair to the League because the Muslim League did agree, as the statement itself admitted, to consider adjustment of boundaries. Another argument against Pakistan in the view of the Mission was that even if it were established, twenty million Muslim minorities would still remain dispersed in the remainder of British India. The Cabinet Mission pointed out that they had also considered a smaller sovereign Pakistan confined to the Muslim majority areas alone. They were not prepared to recommend this either because it would involve a radical partition of the Punjab and Bengal contrary to the wishes and interests of a considerable proportion of the inhabitants of these Provinces. They also referred to administrative, economic and military disadvantages of dividing the country.

The Cabinet Mission also turned down the Congress scheme under which those Provinces who desired could cede to the Centre certain optional subjects in addition to the compulsory ones like Foreign Affairs, Defence and Communications. Presumably the Congress was hoping that some Hindu majority Provinces might make such concessions to the Centre in order to take part in economic and administrative planning on a large scale. The Cabinet Mission pointed out that this would involve a cumbrous and confusing arrangement in which some Ministers in charge of compulsory subjects would be responsible to the whole of India whereas some who dealt with optional subjects would be responsible only to those Provinces who

had ceded control over these subjects to the Centre. As regards the Princely States, it was hoped that they would offer their co-operation to an independent India because "the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government."

Some of the salient recommendations made by the Mission were as follows:

1. A Union of India comprising both British India and the States with its domain over Foreign Affairs, Defence and Communications and with powers necessary to raise the finances required for these subjects.
2. Union Executive and Legislature to be constituted from the British India and States' representatives. The provision regarding parity of representatition in the Union Legislature and Executive between Hindu and Muslim majority Provinces or groups was deleted. The Muslim fear of a Hindu majority was met by the provision that on a major communal issue a decision by the Legislature would require a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.
3. All the residuary subjects would vest in the Provinces.
4. Provinces would have a right to join groups and each group would be allowed to determine the Provincial subjects to be administered in common.
5. In the Cabinet Mission Plan itself three sections were provided, each having its own Provinces. Section A had Madras, Bombay, the United Provinces, Bihar, the Central Provinces and Orissa. Out of 187 representatives in Section A, 167 were general or non-Muslim and 20 Muslim. Section B

had the Punjab, the N-W.F.P. and Sind in which, out of 35 representatives, Muslims had 22, Sikhs 4 and general 9. Section C had Bengal and Assam in which out of 70 representatives, Muslims had 36, and general 34. Thus, the total number of representatives for British India was 292 on the basis of one representative for every million of the adult population. The maximum for Indian States, provided on the same basis, was 93.

6. The representatives chosen above would meet to draft the new constitution. After the preliminary business like the election of the chairman, other officers, and an Advisory Committee on the Rights of Citizens, Minorities and Tribal and Excluded Areas, the Provincial representatives would divide up into three sections as indicated above—A, B and C.

Thereafter, these sections would formulate Provincial constitutions for the Provinces included in each section. The question whether there should be any group constitution for those Provinces and what Provincial subjects would be entrusted to the group would also be taken up by these sections. It was also laid down that Provinces could opt out of groups in which they were placed if the Legislatures of those Provinces decided to do so after the first general election under the new constitution.

Was this another tactical triumph for Jinnah? Later on, when the League rejected the Cabinet Mission proposals, Jinnah said,

"The League, throughout the negotiations, was moved by a sense of fair play and sacrificed the full sovereign state of Pakistan at the altar of the Congress for securing the independence of the whole of India. They voluntarily delegated three subjects to the Union and by doing so did not commit a mistake."[9]

It was not like Jinnah to make such a fundamental concession. Why was he making it? Presumably because, short of complete sovereignty, he had achieved his Pakistan. The Cabinet Mission Plan offered a weak Centre and an

opportunity to large Muslim majority Provinces like the Punjab and Bengal to dominate in their respective sections. These sections were allowed to formulate both group and Provincial constitutions. Provinces were given the right to opt out, but only after the first general elections and probably under the terms of the constitution settled by the respective section. In addition to all this, under Sections B and C, Jinnah was getting the entire territory of Provinces like the Punjab, Bengal and Assam in parts of which non-Muslims were in majority. The only problem was, perhaps, the slender majority that Muslims had in Section C. But given separate electorates, Muslims would probably present a united front and angle for support among the Scheduled Castes and other minority groups. Thus, the resolution of the Council of the All-India Muslim League, justifying its acceptance of the Cabinet Mission Plan, said:

> ". . . In as much as the basis and the foundation of Pakistan are inherent in the Mission's plan by virtue of the compulsory grouping of the six Muslim Provinces in Section B and C, is willing to co-operate with the constitution-making machinery proposed in the scheme outlined by the Mission, in the hope that it would ultimately result in the establishment of complete sovereign Pakistan, and the consummation of the goal of independence for the major nations, Muslims and Hindus, and all the other people inhabiting the vast sub-continent.
>
> It is for these reasons that the Muslim League is accepting the scheme and will join the constitution-making body, and it will keep in view the opportunity and right of secession of Provinces or groups from the Union, which have been provided in the Mission's plan by implication."[10]

Thus, the League wanted to have the best of both worlds —compulsory grouping of the Provinces, and, if the groups or Provinces were not satisfied, the right of secession from the Union itself.

The text of the Cabinet Mission Plan lent itself to

equivocal interpretation. Paragraph 15(5) said that "Provinces should be free to form groups". But Paragraph 19(v) empowered sections to settle Provincial constitutions and also the group constitution. Clause viii of the same paragraph said that Provinces could opt out of the group only after the first general election had taken place under the new constitution. Later on, when the Congress Working Committee asserted the right of the Provinces to make the choice in the beginning itself whether or not to belong to the section to which they were assigned the Cabinet Mission pointed out that such an interpretation "does not accord with the Delegation's intention." The statement also pointed out: "The reasons for the grouping of the Provinces are well known and this is an essential feature of the scheme and can only be modified by agreement between the parties."[11]

What were the reasons for the grouping of the Provinces which the Cabinet Mission claimed were well known to the Congress and the League representatives? It must have been clear to Jinnah that the Congress was not altogether happy with the Cabinet Mission Plan. The Congress had opposed grouping of Provinces as such and the Cabinet Mission Plan had gone as far as providing for compulsory grouping of Provinces. This meant that a Province like the North-West Frontier Province, in which a Congress Government was functioning, would be compelled to join Section B, and a Province like Assam, which had a Hindu majority, would be compelled to join Section C. Jinnah himself had said that the Plan was a sugar-coated pill for the Congress and that without the sugar, it was still a pill. He wanted to know from the Viceroy what the Government would do if one party accepted the scheme and the other rejected it. He extracted the following personal and confidential assurance from the Viceroy on June 4, 1946:

> "I can give you on behalf of the Cabinet Delegation my personal assurance that we do not propose to make any discrimination in the treatment of either party; and that we shall go ahead with the plan laid down in the statement so far as circumstances permit if either party

accepts; but we hope that both will accept."[12]

This was followed by the acceptance of the Cabinet Mission Plan by the Council of the All-India Muslim League through their resolution of June 6, 1946.

The Congress, from the very beginning, was aware of the dangers and pitfalls in the Cabinet Mission proposals. A few days after the announcement of the Cabinet Mission Plan, Azad wrote a letter to Lord Pethick-Lawrence expressing his fear on behalf of the Congress that Provinces like the Punjab in Section B and Bengal in Section C would dominate the smaller Provinces. "It may even conceivably lay down rules, for elections and otherwise, thereby nullifying the provision for a Province to opt out of a group."[13] Similarly, the Working Committee resolution also complained that as regards grouping, "a measure of compulsion is introduced which clearly infringes the basic principle of provincial autonomy." To the Congress plea that it read Paragraph 15 of the Plan to mean that in the first instance, the respective Provinces would make their choice whether or not to join the section in which they were placed, the Cabinet Mission pointed out clearly again and again that this was not the interpretation that the Cabinet Mission itself placed on its Plan. However, the Congress clung to its own interpretation. The All-India Congress Committee, meeting in early July, 1946, in Bombay ratified the resolution of the Working Committee which had accepted the long-term proposals of the Cabinet Mission, particularly with regard to the compulsory grouping of Provinces, with its own interpretations, and rejected the proposals for the formation of an Interim Government. Soon after the meeting of the All-India Congress Committee, Jawaharlal Nehru, who had then become the President of the Congress, held a press conference in which he was blunt in his opposition to the group scheme put forward in the Cabinet Mission Plan.

> "The big probability is, from any approach to the question, there will be no grouping. Obviously section A will decide against grouping. Speaking in betting language, there is a four to one chance of the North-West

Frontier Province deciding against grouping. Then group B collapses. It is highly likely that Bengal and Assam will decide against grouping, although I would not like to say what the initial decision may be since it is evenly balanced. But I can say with every assurance and conviction that there is going to be finally no grouping there, because Assam will not tolerate it under any circumstances whatever. Thus you see this grouping business, approached from any point of view, does not get on at all."[14]

Nehru further asserted that the Congress would enter the Constituent Assembly "completely unfettered by agreement and free to meet all situations as they arise.". . . Azad has commented that this statement was most unfortunate.

"I must place on record that Jawaharlal's statement was wrong. It was not correct to say that Congress was free to modify the Plan as it pleased . . . We had further agreed that there would be the three Sections, viz. A., B. and C in which the provinces would be grouped. These matters could not be changed unilaterally by Congress without the consent of other parties to the agreement."[15]

It is interesting to note that the Congress, despite its objection to the grouping plan, would not commit itself either to total rejection or acceptance of the Cabinet Mission Plan. In the first resolution of the Working Committee dated May 24, 1946, the Committee said that they were unable to give a final opinion at that stage. In its resolution of June 25, 1946 the Committee said: "These proposals fall short of these objectives. Yet the Committee has considered them earnestly in all their aspects because of their desire to find some way for the peaceful settlement of India's problem and the ending of the conflict between India and England." Jawaharlal Nehru was even a shade better. "We have committed ourselves on no single matter to anybody. Naturally, even though one might not agree to commit oneself, there is a certain compulsion of facts which makes one accept this thing or that thing. I do not know what that might be in a particular context." In a letter to Lord Wavell dated June 25 Azad wrote, "While

adhering to our views we accept your proposals and are prepared to work them with a view to achieve our objective."[16] This evasiveness aroused Muslim League suspicions. The League feared that the Congress was planning to change the Cabinet Mission Plan to suit their interests in the Constituent Assembly where they had a great majority.

Azad has charged that Nehru's opposition to the proposals regarding grouping was wrong and turned out to be disastrous so far as the future of India's unity was concerned. But there was a method in this opposition. It was becoming increasingly clear to the Congress that Jinnah, in surrendering his demand for sovereign Pakistan, had extracted valuable concessions from the Cabinet Mission, like the compulsory grouping of the Provinces, and a weak Centre. And there was no guarantee that he would merely stop at that. In its resolution of June 6, 1946 the League Council, even though accepting the Cabinet Mission Plan, had openly asserted that the basis and the foundation of Pakistan were inherent in the Mission Plan by virtue of the compulsory grouping of the six Muslim Provinces. It also said that the Plan was being accepted "in the hope that it would ultimately result in the establishment of a complete, sovereign Pakistan." The Muslim League had also achieved spectacular success in the recent elections on the issue of Pakistan. It may be argued that Congress leaders were probably justified in fearing that with separate electorates continuing and with the help of disgruntled minorities and the Princes, the Muslim League might succeed in paralyzing any majority government in India. But probably Nehru and the Congress did not foresee that Jinnah would resort to 'Direct Action' after withdrawing the League acceptance of the Cabinet Mission Plan. Jinnah had always given the impression of being a constitutionalist and his declaration to "bid goodbye to constitutional methods" came as a complete surprise. The Muslim League Council in a resolution passed on July 29, 1946 declared that "now the time has come for the Muslim Nation to resort to Direct Action to achieve Pakistan, to assert their

just rights, to vindicate their honour and to get rid of the present British slavery and the contemplated future caste-Hindu domination." Thus, once again both parties were digging their trenches and getting ready for another round of battle.

## II. Formation of the Interim Government

It may be argued in defence of the Muslim League that though in its Council resolution of June 6 it had suggested that the struggle for Pakistan would continue, yet so far as the actual proposals of the Cabinet Mission were concerned, it had accepted them.[17] The Congress, on the other hand, as has been seen earlier, had not accepted the Cabinet Mission proposals with regard to compulsory grouping of the Provinces. This probably explains why Lord Wavell was keen to bring the Muslim League, along with the Congress, into the Interim Government. He perhaps thought that once the League entered the Interim Government and started administering India's problems in concert with the Congress and other parties, there was an even chance that the Pakistan demand might recede into the background. Moreover, since the League had established its representative capacity as the spokesman of an overwhelming majority of Muslims, the Viceroy felt that perhaps the League insistence that the Congress should not be allowed to nominate Muslims to the Interim Government was not unjustifiable.

The result was that the Cabinet Mission and the Viceroy issued a statement on June 16 outlining their proposals regarding the formation of an Interim Government. In the list of persons who were invited by the Viceroy to serve in the Interim Government, there were six Congress members, including the Scheduled Caste representative, Jagjivan Ram. There were five Muslim Leaguers including Jinnah. Sikhs, Parsis and Indian Christians had a representative each. Thus, there was no Muslim from the Congress side. Paragraph 8 of this statement pointed out that if the Congress or the League, or both of them, were found to be unwilling to enter the

Interim Government, the Viceroy intended to go ahead with the formation of an Interim Government which would be as representative as possible of those that accepted the Cabinet Mission Plan of May 16.

Jinnah complained that the parity formula between the League and the Congress had been changed in the sense that the Congress had six representatives as opposed to the five of the Muslim League. But he extracted a valuable assurance from the Viceroy that if any vacancy occurred in the future among the seats allotted to minorities, he would consult both the main parties before filling them. Similarly, no decision involving a major communal issue would be taken by the Interim Government if a majority of either of the main parties were opposed to it.[18] Armed with such assurances, the League Working Committee in its resolution of June 25 agreed to enter the Interim Government.

The Congress Working Committee, on the other hand, in its resolution of June 25, rejected the proposals for the formation of an Interim Government as contained in the statement of June 16. The resolution made it clear that the Congress could never be denied the right to nominate a Muslim to the Interim Government or made to accept an artificial and unjust parity or agree to the right of a communal party like the Muslim League to be consulted in filling minority seats in the Government.

The result was that the Viceroy was placed in a predicament. According to Paragraph 8 of the statement of June 16, he was supposed to invite the Muslim League Party to join the Interim Government since they had accepted his proposals. Presumably, he felt that if he had followed this course he would have offered an affront to the position of the Congress. It was likely that such a course would have hardened the Congress opposition to the Cabinet Mission Plan, ultimately resulting in its total rejection. The Muslim Leaguers, placed in power in the Interim Government, would have very likely provoked the Congress into bitter opposition to both the Interim Government and the British Government. In short, such a course would have embittered

the future relations between the British Government and Indian leaders to such an extent that British strategic and commercial interests would have been adversely affected for a long time to come. Thus, the Viceroy decided to adjourn the negotiations for a short interval and set up in the meantime a temporary caretaker government of officials. When questioned by Jinnah as to how he could justify his action in view of the clear assurance that he had given in Paragraph 8 of the statement of June 16, the Viceroy tried to wriggle out of the difficult position by suggesting that the later part of the paragraph said that in the event of one of the parties not joining the Interim Government, the Viceroy would form the Government as far as possible from those parties who had accepted the statement of May 16. Thus, the Viceroy was stretching the text of the statement to mean that since the Congress and the League had accepted the plan of May 16, negotiations should continue so that both might join the Government. If the League joined the Government and the Congress remained outside, the Interim Government, in that case, would not be "as representative as possible of those willing to accept the statement of May 16." It was obvious that the Viceroy, in his eagerness to form the Interim Government, had given assurances to the Muslim League which he could not honour without antagonizing the Congress and thus hurting British interests. *The Scotsman* of July 21, 1946 wrote: "It grieves us that the venerable and idealistic Secretary of State, a fine Viceroy, and their two eminent colleagues of Britain's new and good Cabinet should at this last stage have descended—as we see matters—to similar swithery courses."

Lord Wavell resumed his negotiations for the formation of an Interim Government towards the end of July, 1946. In a letter addressed to the Presidents of the Congress and the Muslim League dated July 22, 1946 the Viceroy suggested that the Interim Government, consisting of fourteen members, would be constituted as follows: six members (including one Scheduled Caste representative) to be nominated by the Congress, five by the Muslim

League, and three representing minorities to be nominated by the Viceroy; one of these representatives to be a Sikh. The Viceroy made it clear that neither the Congress nor the Muslim League would be allowed to object to the names submitted by the other party. This was a clear hint to Jinnah that the Muslim League would have no right to object to the Congress nominating a Muslim in their quota of six.

It may be noted that when the Muslim League Council passed its resolution declaring that the time had come for the Muslims to resort to 'Direct Action', the Muslim League leaders suspected that the Viceroy was thinking of going ahead with the formation of an Interim Government even if the Muslim League refused to co-operate. The Viceroy's letter, announcing the terms of the Interim Government, was written on July 22 and the 'Direct Action' resolution was passed on July 29.

How could the Labour Government have agreed with the Congress that it had accepted the Cabinet Mission Plan in its entirety, when the Cabinet delegation itself had pointed out to the Congress that its interpretation as regards compulsory grouping of Provinces was not correct? Similarly, how could the Viceroy go back on his clear statement of June 16 that he would invite whichever party accepted his proposals regarding the Interim Government to form a Government? Jinnah's reading of the situation was that the British Government wanted to appease the Congress because they were afraid of the Congress launching a civil disobedience movement against them. Particularly as the Labour Party, which was in power then, had all along supported the Congress and would not like to be placed in a position in which its representative, the Viceroy, would have to suppress the Congress movement. The result was that Jinnah took a leaf from the Congress book and thought that the only way of compelling the British Government to treat the Muslim League as an equally important party was the threat of 'Direct Action'. Jinnah's view had always been that the Congress had launched the 'Quit India' movement to coerce the British

Government during the war to surrender power to them. He thought that this was the most effective way of dealing both with the British Government and the Congress.

"Our motto should be discipline, unity and trust in the power of our own nation. If there is not sufficient power, create that power. If we do that, the Mission and the British Government may be rescued, released and freed from being cowed down by the threats of the Congress that they would launch a struggle and start non-co-operation. Let us also say that."[19]

Jinnah felt that the Viceroy did not fear the League as much as he feared the Congress. He had not only gone back on his assurances to the League, but had also been coerced by the Congress into abandoning positions which he had taken earlier. In a letter to the Congress President dated June 22, 1946 the Viceroy had clearly stated that it would not be possible for the Cabinet Mission or himself to accept the Congress request to include a Congress Muslim among their representatives in the Interim Government.[20] But in his letter to the League President of July 22, he made it clear that it was not open to the League to object to the Congress nominating a Muslim in their quota. Jinnah's position was that if he were to concede on this issue, it would mean that the Muslim League was not the sole representative organization of the Muslims. It would also allow discontented Muslim leaders from the League to seek shelter in the Congress. The result was that in his letter dated July 31 Jinnah on his own turned down the Viceroy's offer to join the Interim Government saying that there was no chance of his Working Committee accepting that proposal.

Though the formation of the Congress Interim Government was announced on August 24, 1946, negotiations had started between the Congress and the Government much earlier and it was well known that the Congress had been invited to form the Government. On August 16, 1946, when the League had called upon Muslims to celebrate that day as the 'Direct Action' day Nehru made it clear that "Direct Action' would have to be suppressed for

otherwise the Government would be swept away.[21] He was quite correct in his reading of the situation for it was obvious that if 'Direct Action' were launched by the League, it would be aimed at and against the Congress Government. Many of the commentators on the extremely unfortunate results of the 'Direct Action' day seem to forget that this was precisely the nature of Indian politics at that time, namely, that it had degenerated into an open Hindu-Muslim warfare and struggle for power. Nehru's statement was interpreted as a threat. Maulana Shabbir Ahmad Osmani, President of the All-India *Jamiyat al Ulama-i-Islam,* probably represented Muslim reaction to both Nehru's statement and the installation of the Congress Interim Government when he said that a Muslim could not be crushed. "Living he is a *ghazi* (victor in battle) and killed in action, he is a martyr."[22] It was obvious that the whole atmosphere was surcharged with communal frenzy.

The Government knew that the Viceroy's decision to install the Congress Interim Government was fraught with serious dangers. They were aware that the programme and the popularity of Jinnah and the Muslim League had captured the imagination of all sections of Muslims, including Muslim officers. The proportion of Muslims in the police in Sind and the Punjab was at least 70 per cent; they were 50 per cent. in the United Provinces; and they also held a dominant share in East Bengal. Jinnah's call for 'Direct Action' would be instantly obeyed, particularly in Muslim Provinces. V. P. Menon, who was constitutional adviser to the Viceroy, wrote: "What stood out clearly was that, especially in the Muslim Provinces, any attempt to go ahead with constitution-making without Muslim participation would have very serious results."[23] Thus, the installation of the Congress Party in power at the Centre was extremely ill-timed in view of such clear dangers of the outbreak of communal warfare. The Viceroy should have carried on his negotiations further in order to bring the League into the Interim Government. But unfortunately, he realized his mistake too late for it was only after the Calcutta riots had taken place and the situation in Bihar

and Noakhali had become alarming that the Viceroy succeeded in bringing the Muslim League into the Interim Government.

The view that the Muslim League decision to celebrate August 16 as 'Direct Action' day, followed by the announcements by the Muslim League Governments of Sind and Bengal that August 16 would be a holiday, trigger-ed the horrible Calcutta killing is held among many sections.[24] The Muslim League answer to this charge was that the Muslim League leaders had given clear instructions to the various Provincial Leagues that August 16 should be utilized only for the purpose of explaining to the Muslims the political situation that they were faced with and the Muslim League stand on it *vis-a-vis* the Council resolutions passed on July 29, 1946. Jinnah, in his statement issued two days before the 'Direct Action' day made it clear: "But the 16th of August is not for the purpose of resorting to direct action in any form or shape; therefore, I enjoin upon the Muslims to carry out the instructions and abide by them strictly and conduct themselves peacefully and in a disciplined manner and not to play into the hands of the enemies."[25]

H. S. Suhrawardy, the Premier of Bengal, was also charged by some with actual complicity in the riots and by others with flagrant negligence of his responsibilities. Suhrawardy's answer to these charges was that it was actually the Congress who had started the trouble in Calcutta with the sole aim of creating a situation which might ultimately bring about the dismissal of the League Ministry and the imposition of Section 93.[26] *Dawn's* correspondent also made similar charges and tried to prove that it was the Hindus who took Muslims unawares and Muslim retaliation followed later.[27] *The Statesman* of Calcutta of August 20, on the other hand, accused the Muslim League of having brought about "the worst communal riot in India's history." Sir Francis Tuker, who was in charge of the military operations during the riots, has held all the three, the Congress, the Muslim League and the Sikhs, responsible for the Great Calcutta Killing.

"They could hardly have done better if they had had a combined committee to arrange the grisly tournament."[28] A very alarming factor in the situation was the growing hostility between Hindu and Muslim officers in the police and in the army. Commenting on the infiltration of communal politics into the army, Sir Francis wrote: "Directly the British officer left the mixed mess of Hindu and Muslim officers would part into two cliques and the parting would soon be reflected among the men."[29]

Maulana Azad laid the entire responsibility at that time for all that had happened on the League Ministry. Later, in his book, he was of the opinion "that it had followed inexorably from the opportunity given to the Muslim League to reopen the whole question of political and communal settlement."[30] This controversy will rage in this partisan fashion for a long time to come until all the documents and the facts have been disclosed. But one cannot escape the impression that it was not so much the Congress shortsightedness in its blunt opposition to the Cabinet Mission Plan (as Azad suggests), but the haste of Lord Wavell in inviting the Congress to form the Interim Government and leaving the Muslim League out that precipitated the whole series of communal riots.

It would be needless to dwell at any length on the gruesome details of riots that took place in Noakhali in East Bengal during the second week of October, 1946, which took a heavy toll of Hindu lives, followed by the Bihar riots towards the end of October and early November, 1946, in which an even greater number of Muslims died. Amidst all this communal carnage, Gandhi, actuated by highest humanitarian motives, brought solace and succour to the suffering people among both communities. Probably he was the most disappointed man in India for these riots were the complete negation of all that he had stood and struggled for.

*Battle Between the Muslim League and the Congress in the Interim Government.*

It was obvious that Lord Wavell was not happy about the

Muslim League remaining outside the Interim Government and the country steadily slipping into a state of civil war. At Calcutta, where he had gone to assess the havoc caused by communal riots, he was informed by Khwaja Nazimuddin, a former Premier of Bengal and a senior member of the Muslim League Working Committee, that the League would be willing to reconsider its rejection of the Cabinet Mission Plan if the Government were to meet some of its minimum demands. The Viceroy was told that the League would be satisfied only if either the Congress were to give a clear assurance that it would not be open to Provinces to opt out of groups except after a certain period when the first elections had taken place, or failing that, if the Viceroy were to give a guarantee that the Congress would not be allowed to interpret the Cabinet Mission Plan in a way contrary to that of the Mission itself. Nazimuddin also suggested that the inclusion of a Nationalist Muslim from the Congress side would not pose an insurmountable difficulty if the League were allowed to fill the Muslim quota of five seats.[31] It is difficult to assess the accuracy of this version of the Wavell-Nazimuddin talks for surely there was no doubt about the Muslim League being allowed to nominate five Muslims in its quota, because the Viceroy in his letter to the League President, dated July 22, had clearly stated that five members would be nominated by the Muslim League. However, it was significant that according to Nazimuddin, the Muslim League was not adamant about the exclusion of a 'Nationalist Muslim' from the Interim Government. Did this indicate that Jinnah's mind had already started thinking in terms of outwitting the Congress?

Another version of the League entry into the Interim Government was offered later by Nehru to Mountbatten. According to Nehru, Jinnah had capitulated on the issue of entering the Constituent Assembly in a "private Moslem League meeting."[32] It was Wavell who made the serious blunder of inviting the Muslim League to come into the Interim Government. If he had waited a little longer, the Muslim League would have itself begged to be invited

in. According to the evidence that the author has gathered from various members of the then Muslim League Working Committee, it was not correct to say that the League President had made any capitulations as regards the long-term plan of the Cabinet Mission.

On the other hand, there was considerable and visible evidence to show that Jinnah was in a strong position. The country was on the brink of a civil war and more trouble was apprehended if the Muslim League were left outside the Interim Government to fulminate both against the Congress and the British. It was impressed by such dangers that the Viceroy wanted to go the whole length, as far as the Cabinet Mission Plan was concerned, to dispel the apprehensions of the Muslim League. He wanted that the Congress should come out with a clear declaration that it accepted the compulsory grouping of Provinces whereby a Province could not exercise any option concerning their membership of the sections or of the groups, if formed, until a decision regarding this was taken by the new Legislature of the Province after the first general election under the new constitution. The Viceroy tried to pressure the Congress into accepting this position by warning them that he would not undertake to summon the Constituent Assembly until the Congress gave a clear assurance that they would abide by the grouping plan. Both Gandhi and Nehru expressed surprise and bitterness at this change in the Viceroy's attitude. The Viceroy tried to reason with the Congress leaders by pointing out that the Plan would be wrecked if the Congress persisted in its own interpretation that Provinces were free to opt out of groups, if formed, in the beginning itself. The Congress, however, were not willing to abandon the position that they had taken. The British Government in London were in general accord with the Viceroy and supported his efforts to bring about a *rapprochement* between the Congress and the League. "At the same time, His Majesty's Government felt that the Viceroy should not take any steps which were likely to result in a breach with the Congress."[33]

This also explains why Jinnah wanted his party to enter

the Interim Government. He probably felt that the British Labour Government, in order to save the Cabinet Mission Plan, were not likely to go to the length of antagonizing the Congress. Therefore, the best course for him would be to continue his battle by occupying positions of vantage in the Interim Government. And in the negotiations, true to form, he went about extracting maximum concessions from his opponents.

The first one represented a great tactical victory for the Muslim League. During a meeting with Gandhi which was brought about by the efforts of the Nawab of Bhopal, he very cleverly made Gandhi sign the following formula:

> "The Congress does not challenge but accepts that the Muslim League now is the authoritative representative of an overwhelming majority of the Muslims of India. As such and in accordance with democratic principles they alone have today an unquestionable right to represent the Muslims of India. But the Congress cannot agree that any restriction or limitation should be put upon the Congress to choose such representatives as they think proper from amongst the members of the Congress as their representatives."[34]

Jinnah had once again scored a great point and the Congress were very unhappy about it. Nehru, in his letter to Jinnah, pointed out that "my colleagues and I did not accept the formula agreed to by Gandhiji and you." Gandhi himself at his prayer meeting said that he was thoroughly ashamed of having been over-hasty in signing the formula. "No public servant has a right to act in this way."[35]

In his letters to Nehru and the Viceroy, Jinnah put forward his proposals in the form of Nine Points. They included his demands that the Congress should not include a Muslim in their quota and that a clear convention should be established that no decision would be taken on major communal issues if the majority of Hindu or Muslim members of the Executive Council were opposed to it. Jinnah also wanted that the office of the Vice-President should rotate between the two major communities, and that there should be an equal distribution of the most important

portfolios between the two major parties.

The Viceroy, in his letter dated October 4, 1946, pointed out that he could not agree to Jinnah's demand that no Muslim should be included in the Interim Government from the Congress side. "Each party must be equally free to nominate its own representatives." On October 12 both the Viceroy and the Congress were taken aback when Jinnah suggested that just as the Congress were keen on including a Muslim in their quota, he could also nominate a representative of Scheduled Castes in the League quota. In the subsequent correspondence that followed between Jinnah and the Viceroy, Jinnah not only nominated the members of the Executive Council on behalf of the League, but also indicated how the portfolios allotted to the League should be distributed amongst them. The League nominees, with their portfolios, were: Liaquat Ali Khan (Finance), I. I. Chundrigar (Commerce), A. R. Nishtar (Post and Air), Ghazanfar Ali Khan (Health), and Jogendranath Mandal (Legislative).

It was noteworthy that Jinnah had carefully selected only those League leaders who in his opinion were likely to put up a fight in the Council for League interests. Men like Nawab Ismail Khan, Chairman of the Committee of Action, and Chaudhri Khaliquzzaman were not included, probably because they represented that section in the League which was anxious to come to terms with the Congress. Húsain Imam, who was the Leader of the Muslim League Party in the Council of State, was not selected. The loyal Chundrigar from Bombay, with his years of legal practice on the commercial side, was sent in as Commerce member. The ever obedient Nazimuddin was left out to give place to Jogendranath Mandal, a Scheduled Caste Minister in the Muslim League Ministry of Bengal. In order to counter the Congress claim that they had the support of the Frontier, Abdur Rab Nishtar was sent. He was probably the only capable Muslim Leaguer available from that Province even though he had not been returned in the recent Provincial elections. The Punjab Muslims were represented by Ghazanfar Ali Khan, by no means brilliant but certainly

loyal and pugnacious.

As regards the distribution of important portfolios, it seems that Jinnah again played his hand very skilfully. He gave the impression from the very beginning that he was not much interested in the matter of portfolios but was more concerned about the position of the Vice-President. He thought that he would get the best of the bargain if he let the Viceroy do the bargaining for him. Thus, it was the Viceroy who suggested to the Congress that they might perhaps give up the Home Department held by Sardar Patel. The Congress strategy was that the League should, under no circumstances, be given portfolios like Home and Defence because of the strong position already enjoyed by Muslims in these spheres. Muslims were not inadequately represented in the army, and as suggested earlier, they were well entrenched in the police departments, not only in Muslim majority Provinces, but also in a Province like the United Provinces. On the other hand, they thought that if a portfolio like Finance were offered to the League, they might refuse it because of the proverbial Muslim inability to handle matters like Finance. If they accepted it, the Congress thought they would make fools of themselves.[36] Similarly, when the League asked that the office of the Vice-President should be made rotational, they were told that this would be a difficult arrangement and a League member was offered the position of Vice-Chairman of the Co-ordination Committee of the Cabinet. Again, perhaps it was thought that since the Co-ordination Committee dealt with economic and industrial questions, no League member was likely to be competent enough to handle such a post.

It was obvious that the Congress had made a great tactical mistake. Liaquat, with Chaudhri Mohamad Ali as his extremely able assistant, not only managed his portfolio efficiently, but caused maximum annoyance to Congress Ministers.[37] Particularly Patel was chagrined. "Whatever proposal he made was either rejected or modified beyond recognition by Liaqat Ali."[38] Liaquat dealt another severe blow at the Congress when he presented the Budget. Drawing on the technical ability of Chaudhri Mohamad

Ali and the socialist ideas of Maurice Zinkin, an Under-Secretary in the Finance Department, he imposed heavy taxes on the high incomes of the rich Hindu industrialists who financed the Congress. In addition, he proposed the setting up of a Commission to investigate charges of tax evasion made against businessmen and industrialists.

Liaquat knew that if he disclosed any details of his Budget in the Cabinet meeting there would be fierce opposition from the Congress side. Therefore, he proceeded to obtain the assent of the Cabinet to the general principles of his Budget. He tried to disarm the opposition from the Congress side by pointing out that had it not been for the clear stand of Nehru and Azad against businessmen evading taxes on their huge war profits, the whole idea of taxing these incomes and setting in motion an investigation machinery might never have occurred to him. It seems that the Congress group fell for such a trap and they only realized the mistake they had made when Liaquat announced all the details of his Budget in the Assembly. It was obvious to their minds that Liaquat's primary purpose was to deal a severe blow at the financiers of the Congress. Congress leaders later argued that Liaquat's aim was also to cripple commerce and industry, which were again largely concentrated in Hindu hands."[39]

Even though the Muslim League had joined the Interim Government and League members were engaged in administering their portfolios, for Jinnah the larger issue had not changed and the battle for Pakistan was to continue unabated. It has been said that no political leader in the sub-continent could excel Jinnah in the ferocity and biting sarcasm with which he attacked his political opponents. Nehru wanted that the Interim Government should function as a Cabinet in the full parliamentary sense. He was also desirous that his position as the Vice-President of the Interim Government should emerge as that of a Prime Minister. Jinnah interpreted this desire of Nehru as a part of the Congress tactics to establish Congress hegemony in the country. He reminded the Congress that the Interim Government was after all a Viceroy's Executive Council

functioning on the basis of the Government of India Act, 1919. He also pointed out that the position of the Vice-President was not the same as that of a Prime Minister and that there had been Vice-Presidents ever since 1919 whose sole function was to preside over the Council meeting only when the Viceroy was absent. Whenever Nehru tried to hold informal meetings of the Council at his residence, League members would absent themselves and attend informal meetings of League members of the Interim Government held at Liaquat's residence.

A few samples of Jinnah's brutal bluntness would not be out of order. When Jinnah was told that the Viceroy himself had called the Interim Government a 'Cabinet', Jinnah pointed out that the Viceroy had done so in order to please Nehru. "Little things please little minds and you cannot turn a donkey into an elephant by calling it an elephant."[40] When asked to comment on Patel's challenging speech that 'sword would be met with sword', Jinnah said, "Sardar Patel is a strong man as they said and therefore he uses strong language but words do not break bones. . . Where has Sardar Patel got his sword?"[41] This was rather an unkind reference to the common belief that a Hindu lacked fighting qualities. Nehru was equally unsparing in his criticism of the League attitude. He said that the League, through its efforts not to let the Government function as a Cabinet, had played the role of a 'King's Party' and thereby increased the influence and power of the Viceroy.

In justification of its attitude the Muslim League could argue that the Congress had never accepted the Cabinet Mission Plan in its entirety. Therefore, how could the League extend its hand of co-operation when the Congress was determined to bring about defections in Sections B and C by encouraging and supporting Provinces like Assam to withdraw from their respective sections during the initial stages itself? The Congress, on the other hand, constantly reminded the Viceroy that since the Muslim League had withdrawn its acceptance of the Cabinet Mission proposals and had also asked the Muslim League members of the Constituent Assembly not to attend the

Assembly meetings, the Muslim League should be asked to resign from the Interim Government. The Viceroy realized that these recriminations would only result in further bitterness inside the Government and fresh outbreaks of communal violence outside. The British Government thought that perhaps a new effort should be made to resolve the deadlock by summoning the Congress and the League leaders to meet in London. The meeting in London was attended by Nehru on behalf of the Congress, Baldev Singh, the Defence Minister, on behalf of the Sikhs, and Jinnah and Liaquat on behalf of the League.

The Congress contention was that a Province like Assam could stay out of its Section C from the very beginning and frame its constitution independently. In other words, the fundamental point was that the Provinces should start as units and it was entirely up to them whether to join a group or not. The League argued that the Provinces must first join the group and later on, after the first elections, if they wished, they could withdraw from the group. Had it not been for the grouping plan and restricted powers allotted to the Centre, the League Council would not have accepted the Mission Plan. The League scored another victory when the British Government issued a statement on December 6, 1946 saying that the League interpretation was correct.

> "The Cabinet Mission have throughout maintained the view that decisions of the Sections should, in the absence of an agreement to the contrary, be taken by a simple majority vote of the representatives in the Sections. This view has been accepted by the Muslim League, but the Congress have put forward a different view. They have asserted that the true meaning of the statement, read as a whole, is that the Provinces have the right to decide both as to grouping and as to their own Constitutions.
>
> "His Majesty's Government have had legal advice which confirms that the statement of May 16 means what the Cabinet Mission have always stated was their intention. This part of the statement, as so interpreted, must,

therefore, be considered an essential part of the scheme of May 16 for enabling the Indian people to formulate a Constitution which His Majesty's Government would be prepared to submit to Parliament. It should, therefore, be accepted by all parties in the Constituent Assembly."[42]

This statement also failed to put an end to recriminations between the Congress and the League. The All-India Congress Committee, in its resolution of January 5, 1947, though saying that it would "advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the sections," did not deviate even an iota from its former position. "It must be clearly understood, however, that this must not involve any compulsion of a province, and the rights of the Sikhs in the Punjab should not be jeopardized." The Muslim League Working Committee in its resolution of January 31, 1947 took grave exception to the qualifying clauses in the Congress resolution and pointed out that the Congress was not only encouraging 'a province' to exercise the right of veto within the section but also 'a part of a province' to exercise a similar right. It pointed out that the Congress had not accepted the Cabinet Mission Plan and therefore the Working Committee would not call the Council of the League to reconsider its decision of July, 1946.

The Constituent Assembly started meeting on December 9, 1946 and the Muslim League members were absent. The Congress demanded the resignation of the League representatives from the Interim Government on the score that the League had rejected the Cabinet Mission scheme, absented itself from the Constituent Assembly and was also committed to a programme of 'Direct Action.' Liaquat retaliated that it was presumptuous on the part of the Congress and minority members of the Executive Council to demand the resignation of their Muslim League colleagues when the Congress had not accepted the Cabinet Mission Plan. This was followed by the threat of Patel that the Congress would withdraw from the Interim Government if the Muslim League were allowed to remain in it. "The Viceroy was in sympathy with the Muslim

League contention and was himself of the view that the Congress had not in fact accepted the Cabinet Mission Plan."[43] However, events had reached such a crucial stage that the British Government had to make up their mind as to whether they should ask for the resignation of the League or let the Congress withdraw from the Interim Government. It was obvious that either course was fraught with dangerous consequences. Attlee felt that in such circumstances a bold policy as well as a new Viceroy were needed to save the situation. On February 20, 1947 he announced the appointment of Admiral the Viscount Mountbatten. He also declared that it was the definite intention of the Government to transfer power to responsible Indian hands by a date not later than June, 1948. If by that date it became clear that a Constitution based on the Cabinet Mission Plan could not be worked out, the Government would then think in terms of transferring power "to some form of Central Government for British India, or in some areas to the existing Provincial Governments."

## III. Arrival of Pakistan

When Lord Wavell was in London in connection with the conference of Indian leaders regarding the correct interpretation of the Cabinet Mission Plan, he suggested to the British Government that there were two ways of solving the Indian problem. The first was what he called a "phased withdrawal of British authority and British military forces from India," with power being transferred on March 31, 1948. The withdrawal was to take place in phases. At first the British would withdraw from the Indian peninsula and the Congress-controlled areas and later the final withdrawal would be preceded by a "concentration of British administrative and military forces in northern India." This presumably meant that the British would withdraw from Pakistan last. The alternative plan that he suggested was that the British should make up their minds to re-establish British power and rule the country for a further period of at least fifteen years.[44]

The reaction of the British Government was completely opposed to either of the two courses. The British Prime Minister felt that the Viceroy was probably inclined to favour the Muslim League and was too much of a soldier to understand the political implications of his first course of action. King George recorded in his diary on December 17, 1946:

"Attlee told me that Lord Wavell's plan for our leaving India savours too much of a military retreat and does not realize it is a political problem and not a military one. Wavell has done very good work up to now but Attlee doubts whether he has the finesse to negotiate the next step when we must keep the two Indian parties friendly to us all the time."[45]

Attlee was convinced that the only way of resolving the Indian tangle was a speedy British withdrawal from India. He thought that such a decision would force the Indian leaders to realize that if they did not arrive at an agreement, the alternative would be complete chaos from which neither side would gain. "Unless these men were faced with the urgency of a time limit, there would always be procrastination."[46] In his statement of February 20, 1947, Attlee set the time limit of the British withdrawal following transfer of power as June, 1948.

An indication of how time was the essence of the problem was given by the detailed instructions that Mountbatten was given before he left London. He was told in clear terms that the British Government still desired the setting up of a unitary Government for British India and the Indian States, "if possible within the British Commonwealth." Nevertheless, it was not their policy to bring this about by force. "If by the 1st October Mountbatten considers there is no prospect of reaching a settlement on the basis of unitary Government, he is to report to the British Government on the steps he considers should be taken for the hand-over of power on the due date."[47]

It seemed Mountbatten from the very beginning was highly sceptical about the prospects of a Central

Government being established for the whole of India on the lines suggested by the Cabinet Mission Plan. One often wonders whether Mountbatten came somewhat convinced to India that the Partition of the country could not be avoided. As has been seen already, the bitter differences between the two parties in the Interim Government had become practically irreconcilable. V. P. Menon has recorded that either late in December, 1946, or early in January, 1947, that is, before Lord Mountbatten's arrival as Viceroy, he had succeeded in persuading Patel to agree to Partition. Menon had also sent the outline of his plan to the Secretary of State and also written to say that the Congress was likely to accept his proposals. Before coming to India, Mountbatten had seen Menon's proposals.[48] There is considerable evidence which goes to suggest that soon after Mountbatten's arrival in Delhi on March 22, 1947, most of the opponents of Partition had veered round to the idea that Pakistan was inevitable. Azad, who met Patel soon after Mountbatten's arrival, "was surprised and pained when Patel in reply said that whether we liked it or not, there were two nations in India." Similarly, "Jawaharlal Nehru asked me in despair what other alternative there was to accepting partition." As for Gandhi, at first he said that Partition "will be over my dead body." But within a few days, "he too had changed."[49] This change in Gandhi took place on April 2, 1947. Before Gandhi's conversion, Mountbatten had already succeeded in converting Patel and Nehru to the idea of Partition by playing on Patel's eagerness to get rid of the Muslim League. Both Patel and Nehru were impressed by the argument that it would be better to hand over a few small strips of territory in the North-West and in the North-East to Muslims than to endanger Indian unity and strength by trying to work with the Muslim League.[50] Thus, barely two weeks had elapsed after Mountbatten's arrival when it became clear that India would be divided.

Mountbatten from the very beginning did not conceal his predilictions towards Partition. Within the third week of his arrival in India on April 8, Mountbatten was discussing

Liaquat's paper on the division of the Armed Forces.[51] On April 19, during a discussion at the Viceroy's Staff meeting, Lord Ismay, Chief of the Viceroy's Staff, stressed the difficulty of two physically separated Pakistans in the West and in the East. Mountbatten's reply was "that whatever its implications he was beginning to think that Pakistan was inevitable." On April 27, when concern was expressed over leakage of the Government's intentions to the press, Mountbatten pointed out: ". . . The more the papers speculate about partition, the more they are preparing public opinion for its arrival."[52]

From the evidence that has so far appeared, one wonders whether Mountbatten ever seriously tried to bring about an understanding between the Congress and the League on the basis of the Cabinet Mission Plan.[53] He never put forward the Cabinet Mission Plan as a serious proposition. He did talk now and again of resurrecting it, but it was never brought out of cold storage to be aired thoroughly. At best it was an alternative solution but entirely dependent upon complete Congress approval of it, which Mountbatten and his advisers knew could not be easily elicited. At one time Mountbatten did talk about a modified version of the Cabinet Mission Plan at a Staff meeting. He thought that a serious flaw in the Cabinet Mission Plan was that Hindus would have a permanent majority in the Centre to keep the Muslim minority in subjugation. He thought that if Pakistan and Hindustan were to come together on the basis of parity, Provinces like the Punjab, Bengal and Assam would not have to be partitioned. "My object is to create the effect of two sovereign States or separate blocs negotiating at the centre rather than having a system of majority voting."[54] But all these proposals never went beyond the discussion stage. Mountbatten knew that the Cabinet Mission Plan had collapsed before his arrival. As suggested earlier, the Congress had never liked the Cabinet Mission Plan. Their strategy had succeeded in forcing Jinnah to withdraw his acceptance of the Plan. At first, they argued in terms of championing the cause of tiny Assam being dragged into Section C

against its will. Later, they played on the traditional Sikh hostility towards Muslims and said that Sikhs would never like to be subjugated under Muslim rule in Section B of the North-West Provinces.

The haste with which Mountbatten was acting was largely dictated by the alarming situation that was developing. Lord Mountbatten himself had never had any experience with the administration in India. The Chief of his Staff, Lord Ismay, had been out of touch with Indian administration since 1936 when he left India after being Military Secretary to the Viceroy, to work in the British Civil Service. To both Mountbatten and Ismay, Hindu-Muslim conflict looked extremely dangerous and hideous. They probably did not think, as a Deputy Commissioner or a Home Secretary would have done, that law and order could be brought about by using extremely ruthless and drastic methods. Instead of taking the view that power should be transferred only after law and order had been brought about, they thought that the situation would deteriorate so much that for the resulting chaos the British would be held largely responsible. As Lord Ismay told the author, "The British had all the responsibility but no power. Once you say you are going, you must go at once. Muslim or Hindu policemen may act against their co-religionists (to maintain peace) but when their boss is going they have to ensure their future." A British Governor, who had spent all his working life in India, commenting on the Punjab disturbances, wrote to the author:

> "This, again, was the result of Mountbatten's unwisdom in accelerating the date of Partition so suddenly. I am sure that if the Punjab had been given time (say 8 or 9 months) to sort out their services properly—Muhammadan and Hindu—the terrible massacres of Aug-Sept-Oct would never have happened *in anything approaching* the scale that they did assume."

In defence of Mountbatten's haste, it could be pointed out that the political complexion of Provinces like the Punjab and the Frontier had so completely changed in favour of the Muslim League that any attempt to postpone

the granting of power to the Muslim League would have resulted in more lawlessness and communal conflict. Even though the League had not done well in the Provincial elections in the Frontier and the Congress had assumed office, by the beginning of 1947 the Muslim League had become so popular that they had launched a Province-wide agitation against the Congress Ministry. According to Azad, "The actual position in 1946 was that the Khan brothers did not enjoy as much support in the Frontier as we in Delhi thought. When Jawaharlal reached Peshawar, this discovery came to him with an unpleasant shock."[55] In the Punjab, the Muslim League had won overwhelming support in the elections, but because of the slender majority of Muslim seats over the rest in the Assembly, they had not been able to form the Government. But their agitation against Khizr Hyat Khan's Ministry had succeeded in toppling it.

Mountbatten's first plan was to hand over power to the Provinces or to such confederations of Provinces as the latter might decide to form. The plan also envisaged the partition of Bengal and the Punjab for which the procedure proposed was that representatives of predominantly Muslim and non-Muslim areas would meet separately in two parts in each of the Provinces. If it were found that both sections of these Provincial Assemblies were in favour of Partition, that Province would be partitioned. If the decision in Bengal were in favour of Partition, the predominantly Muslim district of Sylhet would be given the option of joining the Muslim Province of Bengal. As regards the N-W.F.P., fresh elections were proposed to ascertain the wishes of the people.

Mountbatten encountered opposition to these proposals from a number of sources. Two of these were Governors of Bengal and Punjab and the Muslim League leader, Jinnah. Sir Evan Jenkins, the Governor of the Punjab, opposed Partition on the plea that the divided Provinces would still be saddled with minorities. The Government of Bengal argued that division of Bengal would make East Bengal a rural slum. Jinnah also pointed out that division

of the Punjab and Bengal would destroy the administrative and economic fabric of the Provinces which for nearly a century had been reared on the basis of single and autonomous Provinces. He suggested exchange of populations which would eventually take place as a way out, thereby hinting that Bengal and Punjab should be emptied of their large Hindu minorities and subsequently filled with the migrating Muslims. He argued that if the Punjab and Bengal were partitioned, other Provinces as well where Muslims lived in large numbers in certain areas should be partitioned. Jinnah's statement was followed by a resolution passed by the Hindu and Sikh Legislators of the Punjab and the non-Muslim members of the Central Assembly and Constituent Assembly from that Province demanding a just and equitable division of the Punjab as the only solution.

Mountbatten sent his plan to London with Ismay and his Secretary, George Abell, urging the Government to let him have their approval by May 10. He was thinking of presenting the approved plan before a meeting of party leaders on May 17. Mountbatten's plan came back from London with several important amendments which he felt had dimmed the prospects of the plan being accepted by Indian leaders. By that time he had become very friendly with Nehru who was staying at Simla as his guest. He showed the amended version of the plan to Nehru who turned it down saying that the Congress would categorically reject it. His basic opposition was that the draft plan did not recognize the fact that the Indian Union was the successor authority to the British Government in India from which certain States wanted to secede. The draft plan proposed the transfer of power to a large number of successor States who could unite, if they desired, into two or more States. Similarly, the idea that each of these successor States could conclude separate treaties with the British Government would bring about the Balkanization of India. Particularly some of the major Princely States would try to emerge as independent kingdoms. When Mountbatten found that Nehru was bitterly opposed to the

draft that he had received from London, he decided that another approach should be made to resolve the deadlock. He turned to V. P. Menon's plan who, as suggested earlier, had drafted a scheme according to which transfer of power would take place on the basis of Dominion status to India and such other areas as wanted to separate from India and form another State. He had already obtained Patel's approval of this scheme. Mountbatten suggested that Nehru should examine it. Nehru was not averse to the plan according to which power would be transferred to two Central Governments on the basis of Dominion status. Menon also kept Patel fully informed who "was delighted by the turn of events."[56] It was significant that while these crucial discussions were taking place, Jinnah and the League were not in the know of how the final plan was being evolved. What emerges from the evidence so far made available is that Jinnah and the League were not close friends of the Viceroy, but represented forces which had to be persuaded or overcome.[57] Unlike Nehru, they did not seem to enjoy the confidence of the Viceroy.

V. P. Menon was justified in thinking that he was the first to obtain Patel's approval to the idea of Partition and transfer of power on the basis of Dominion status. But so far as Dominion status was concerned, there was another claimant. "Krishna Menon takes credit as the first to have suggested an early transfer of power to India on this basis." (Dominion status.)[58] Even V. P. Menon's claim that he was the original author of the Partition plan as finally announced and accepted in the form of the June 3, 1947 plan of transfer of power could be admitted only with certain qualifications. First of all, the idea of Pakistan without the Hindu majority districts of Bengal and the Punjab and without the Hindu areas of Assam had been put forward as early as September, 1944, by C. Rajagopalachari during the course of the Gandhi-Jinnah Talks. Similarly, the detailed mechanics of ascertaining the wishes of the Muslim areas of the Punjab, Bengal and Provinces like Sind, the N-W.F.P., Baluchistan and a district like Sylhet had been spelled out by the Cabinet Mission in April, 1946,

before they put forward their final plan of May 16. The idea of partitioning the Punjab and Bengal, the holding of fresh elections in the N-W.F.P., and the inclusion of Sylhet in Muslim Bengal were there in the plan that Mountbatten sent with Ismay and George Abell to London on May 2, 1947. Thus, it could be said that V. P. Menon's main contribution was in incorporating all these ideas into a new plan which might be acceptable to both parties. The fact that this was not altogether a difficult task is hinted at by V. P. Menon himself. "I had only two or three hours in which to prepare an alternative draft plan and I set to work on it at once."[59] As regards his claim that he was the first to persuade Patel to agree to Partition, it should also be qualified by the fact that Patel was in such a receptive mood because of the bitter conflict that was taking place in the Interim Government and the continuous eruption of communal warfare outside. However, there was no doubt that V. P. Menon played a very important role in the sense that he was an excellent draftsman who could incorporate a number of ideas into his scheme and thus increase the chances of it being accepted by the party leaders. His draft of 'Heads of Agreement' of May 16, 1947 was an outstanding example.

The 'Heads of Agreement' were eight in all and suggested that in the event of a decision that there should be two sovereign States in India, the Central Government of each State would assume power and be responsible to its respective Constituent Assembly on a Dominion status basis. The Government of India Act, 1935, would be modified to conform to Dominion status position and would form the Constitution of each Dominion in the initial stages. The present Governor-General would be reappointed as a common Governor-General for both Dominions. A Commission would be appointed for the demarcation of boundaries. There would also be a division of the Armed Forces. It was stipulated that the units recruited from the territory of the Dominion concerned would be allocated to that Dominion. But in the case of mixed units the separation and redistribution was to be entrusted to a committee

chaired by Field-Marshal Sir Claude Auchinleck and the Chiefs of the General Staff of the two Dominions. The committee was to function under the supervision of a Council constituted by the Governor-General and the two Defence Ministers.

The Congress agreement to these 'Heads of Agreement' was obtained in writing, but Jinnah and Liaquat were not willing to commit themselves beyond accepting the general principles. Mountbatten tried to pressure Jinnah by suggesting that if his complete agreement was not forthcoming he might have to resort to the alternative of demitting power to the Interim Government on a Dominion status basis. But the Viceroy found that Jinnah had a very steady nerve. Jinnah probably knew that these were bluff and threat tactics. The Viceroy left for London on May 18 and the British Government, after a full appraisal of the situation from the Viceroy, issued their "Statement regarding the method of transfer of power, 3 June 1947."

Some of the noteworhty proposals in the statement were with regard to the partitioning of the Provinces of the Punjab and Bengal, the setting up of a Commission to demarcate the boundaries, and the hint that the British Government were willing to transfer power before June, 1948. It was clear that power was to be transferred to two Central authorities responsible to their respective Constituent Assemblies. The work of the existing Constituent Assembly was not to be interrupted. A new Constituent Assembly consisting of the North-West Frontier Province, Sind, British Baluchistan, West Punjab and such other Muslim districts, East Bengal and the district of Sylhet, could be established if a decision in favour of Partition and the creation of such a Constituent Assembly were obtained in the manner prescribed in the statement of June 3, 1947.

The Provincial Legislative Assemblies of the Punjab and Bengal were to meet in two parts, one consisting of the representatives of the Muslim majority districts and the other representing the rest of the Province, to decide by a simple majority whether the Province concerned should be partitioned. If either part decided in favour of Partition,

the Province would be partitioned. A Commission for each of the two Provinces was to be set up by the Governor-General to demarcate the boundaries of the two parts of the Punjab and Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. The Commission was also to be instructed to take into account other factors. A referendum was to be held in the North-West Frontier Province in the event of the whole or of any part of the Punjab deciding not to join the existing Constituent Assembly to ascertain the wishes of the people of the Province regarding the Constituent Assembly they would like to join. British Baluchistan was also to be given an opportunity to decide whether it would like to join the existing Constituent Assembly or a new Constituent Assembly consisting of Muslim majority areas. A referendum was also to be held in the district of Sylhet to determine whether in the event of the partition of Bengal, the people of Sylhet would like to be amalgamated with the Muslim part of Bengal.

Both the Muslim League and the Congress had carried on bitter and lengthy negotiations and if some decision were not taken at this stage, they knew that the alternative would be carnage and chaos. The League was not altogether jubilant about obtaining a Pakistan stripped of East Punjab and West Bengal. The Muslim League Council, which met in New Delhi on June 10, passed a resolution saying that though it could not agree to the partition of Bengal and the Punjab, it had to consider the plan of June 3 for the transfer of power as a whole. The resolution authorized Jinnah to accept the Partition scheme as laid down in the June 3 statement "as a compromise". Jinnah was also armed with all the powers necessary to take all steps and decisions with regard to the implementation of the Partition plan. The All-India Congress Committee meeting on June 14, 1947 was more dramatic. As Azad noted later, there was a touch of irony in the situation, for arrayed against the resolution accepting the plan of June 3 were both Nationalist Muslims and those "men who have posed as nationalists but who are in fact utterly communal

in outlook."[60] Azad was referring, perhaps, to men like Purshottamdas Tandon, who in an impassioned speech said that acceptance of the resolution would mean abject surrender to the British and to the Muslim League. "The Working Committee had failed India, but India with the strength of millions behind her must reject this resolution." It looked as if neither Pandit Pant's (who moved the resolution) persuasiveness nor Patel's unemotional clarity could overcome the feeling of bitterness that pervaded the Committee. Gandhi had to intervene, posing before the Committee the unpleasant consequences of rejecting the plan. "The consequence of such a rejection would be the finding of a new set of leaders who could constitute not only the Congress Working Committee but also take charge of the Government." The Committee endorsed the official resolution by 157 votes to 29 in a House of 218. The resolution pointed out: "The A.I.C.C. earnestly trusts that when present passions have subsided India's problems will be viewed in their proper prospective (sic) and the false doctrine of two-nation (sic) will be discredited and discarded by all."[61] Thus, Partition had arrived not with a bang but with a whimper.

FOOTNOTES

1. Sir Maurice Gwyer and A. Appadorai (eds.), *Speeches and Documents on the Indian Constitution*, 1921-1947 (London: Oxford, 1957), Vol. II, p. 566.
2. Maulana Azad has written, "The actual position in 1946 was that the Khan brothers did not enjoy as much support in the Frontier as we in Delhi thought." Maulana Abul Kalam Azad, *India Wins Freedom* (Calcutta: Orient Longmans, 1957), p. 171.
3. V. P. Menon, *The Transfer of Power in India* (Calcutta: Orient Longmans, 1957), p. 247.
4. *Ibid.*, p. 253.
5. Maulana Abul Kalam Azad, *op. cit.*, p. 144.
6. *Papers Relating to the Cabinet Mission to India* 1946 (Delhi: The Manager of Publications, 1946), pp. 14-15.
7. *Ibid.*, pp. 20-21.
8. *Ibid.*, pp. 22-23.
9. Jamil-ud-Din Ahmad (ed.), *Some Recent Speeches and Writings of Mr. Jinnah*, Vol. II (Lahore: Ashraf, 1947), p. 420.
10. *Resolutions of the All India Muslim League From January*, 1944 to

*December* 1946 (Delhi: All India Muslim League, n.d.), pp. 50-51.

11. *Papers Relating to the Cabinet Mission to India* 1946, *op. cit.*, p. 24.
12. *Ibid.*, p. 36.
13. *Ibid.*, p. 33.
14. Sir Maurice Gwyer and A. Appadorai (eds.), *op. cit.*, p. 613.
15. Maulana Abul Kalam Azad, *op. cit.*, p. 155.
16. Sir Maurice Gwyer and A. Appadorai (eds.), *op. cit.*, see pages 610; 612; and 609, respectively, for these statements.
17. *Resolutions of the All India Muslim League, op. cit.*, pp. 49-51. Thus, as far as the League was concerned, there was no evidence to warrant the statement: "Neither the Congress nor the League ever really accepted the plan, though both placed their formal approval on record for bargaining purposes". Michael Brecher, *Nehru A Political Biography* (London: Oxford, 1959), p. 317. The Congress itself never accused the League of not having accepted the Cabinet Mission Plan. It was only after the League Council had passed its resolution withdrawing acceptance of the Mission Plan in July, 1946, that the Congress insisted on the League withdrawing this resolution if it wanted to remain in the Interim Government.
18. *Papers Relating to the Cabinet Mission to India* 1946, *op. cit.*, pp. 46-47.
19. Mohammad Ashraf (ed.), *Cabinet Mission and After* (Lahore: Ashraf, 1946), p. 291.
20. *Papers Relating to the Cabinet Mission to India* 1946, *op. cit.*, pp. 48-49.
21. At first Nehru was reported to have said: "If the Government is strong, 'Direct Action' goes under, but if the Government is weak, the Government will go under". This was interpreted by League circles to mean that if the Muslim League started 'Direct Action', it would be crushed. Later on, Nehru suggested that this was not an accurate interpretation. He explained, "I was asked what would happen if there was 'Direct Action' against the Government. I replied that wherever there is such 'Direct Action', there can be only two results: Either the success or partial success of that action which means the Government being swept away or coming to terms with it, or that 'Direct Action' fails". Mohammad Ashraf (ed.), *op. cit.*, pp. 359-360 and 371.
22. Quoted in Mohammad Ashraf (ed.), *op. cit.*, p. 369.
23. V. P. Menon, *op. cit.*, p. 290.
24. The latest presentation of this view is to be found in Michael Brecher, *Nehru A Political Biography* (London: Oxfrod, 1959), p. 319.
25. Mohammad Ashraf (ed.), *op. cit.*, p. 372.
26. *Ibid.*, p. 375.
27. *Ibid.*, pp. 377-380.
28. Lieut.-General Sir Francis Tuker, *While Memory Serves* (London:

Cassell, 1950), p. 156.
29. *Ibid.*, p. 162.
30. Maulana Abul Kalam Azad, *op. cit.*, p. 159-160.
31. V. P. Menon, *op. cit.*, p. 301.
32. Alan Campbell-Johnson, *Mission With Mountbatten* (London: Robert Hale, 1951), p. 44.
33. V. P. Menon. *op. cit.*, p. 305.
34. Sir Maurice Gwyer and A. Appadorai, (eds.), *op. cit.*, p. 648.
35. Mohammad Ashraf (ed.), *op. cit.*, p. 415.
36. Maulana Abul Kalam Azad, *op. cit.*, p. 166.
37. Chaudhri Mohamad Ali at that time was Financial Adviser to the Military Finance Department.
38. Maulana Abul Kalam Azad, *op. cit.*, p. 167.
39. *Ibid.*, p. 176.
40. Jamil-ud-Din Ahmad (ed.), *op. cit.*, p. 488.
41. *Ibid.*
42. Sir Maurice Gwyer and A. Appadorai (eds.), *op. cit.*, p. 660.
43. V. P. Menon, *op. cit.*, p. 336.
44. John Connell, *Auchinleck A Critical Biography* (London: Cassell, 1959), p. 852.
45. Cited in *Ibid.*, p. 852.
46. Cited in *Ibid.*, p. 853.
47. Alan Campbell-Johnson, *op. cit.*, p. 31.
48. V. P. Menon, *op. cit.*, p. 358-359.
49. For these statements, see Maulana Abul Kalam Azad, *op. cit.*, pp. 185-187.
50. *Ibid.*, pp. 187-188.
51. John Connell, *op. cit.*, p. 872.
52. For these statements, see Alan Campbell-Johnson, *op. cit.*, pp. 67 and 73.
53. See V. P. Menon, *op. cit.*, p. 353. But Azad was more emphatic: "It is also possible that Lord Mountbatten did not feel so strongly about the Cabinet Mission Plan, as this was not the child of his brain." Maulana Abul Kalam Azad, *op. cit.*, p. 188.
54. Alan Campbell-Johnson, *op. cit.*, p. 71.
55. Maulana Abul Kalam Azad, *op. cit.*, p. 171.
56. V. P. Menon, *op. cit.*, p. 365.
57. This is clear in Alan Campbell-Johnson, *op. cit.*, and V. P. Menon, *op. cit.*
58. Alan Campbell-Johnson, *op. cit.*, p. 88.
59. V. P. Menon, *op. cit.*, p. 365.
60. Maulana Abul Kalam Azad, *op. cit.*, p. 197.
61. I. S. Jehu (ed.), *The Indian and Pakistan Year Book* 1948, Vol. XXXIV (Bombay: Bennett, Coleman, n.d.), p. 945.

# VI

## The Muslim League—Its Role and Organization

There are many people in Pakistan, particularly among the Services, who tend to dismiss the contribution of the Muslim League towards the achievement of Pakistan as one of little consequence. They often quote, out of context, the statement of Jinnah that his "entire equipment was confined to an attache-case, a typewriter, and a personal assistant."[1] It is obvious that such glib statements lack both reflection and historical perspective. Jinnah, with all his adroitness, needed an organization like the Muslim League to impress upon the British and the Congress that he enjoyed universal Muslim support. He also needed the Muslim League for winning elections. In fact the Muslim League bridged the gulf that yawned between the illiterate Muslim masses and the highly Westernized Muslim elite at the top.

What was the state of the Muslim League before Jinnah undertook its reorganization? In 1927, the total membership of the Muslim League was 1,330.[2] During the years 1931-33, its annual expenditure did not exceed Rs. 3,000.[3] In the 1930 Allahabad session, when Sir Muhammad Iqbal presented his historic address demanding the establishment of a North-Western Muslim state in India, the League meeting did not even have its quorum of 75 members. Hafiz Jalandhari was asked to read his famous poem, *Shahnama-i-Islam,* to keep those who were present entertained while the organizers were busy enrolling new

members in the town. During this time, the annual sessions of the Muslim League were often held in private houses. The annual session of 1931, held at Delhi, was described as "a languid and attenuated House of scarcely 120 people in all."[4] During this session the annual subscription was reduced from Rs. 6 to Re. 1 and the admission fee of Rs. 5 was abolished to attract new members.[5] The League's declining strength was also reflected in the resolution which reduced the quorum at the annual sessions from 75 to 50.

When Jinnah started reorganizing the Muslim League in early 1935, Sir Fazl-i-Husain had retired from the Executive Council and returned to the Punjab to resuscitate the Unionist Party. Jinnah, who had been elected President for three years, very shrewdly invited Fazl-i-Husain to preside over the annual session of the Muslim League. Fazl-i-Husain declined the request and made it clear to Jinnah that he should desist from setting up a Central Parliamentary Board of the Muslim League because Muslims in Provinces like the Punjab might like to work with non-communal organizations in which case a Central Muslim Parliamentary Board would hamper their efforts in creating communal harmony. Fazl-i-Husain, writing to Sikander Hyat, said, "I have also asked Ahmad Yar (Daultana's father) to strongly press on him (Jinnah) the advisability of keeping his finger out of the Punjab pie."[6] Jinnah did not make any headway in the Punjab, even though he was reported to have made promises of procuring large election funds from Bombay millionaires and the Raja of Mahmoodabad. At that time the prospects of Jinnah's success were obviously so dim that even a former founder of the Muslim League like the Aga Khan lent his financial support to the Unionist Party.[7] The weakness of the League was reflected in the elections of 1937 when it won only 4.6 per cent. of the total Muslim votes.

But in April, 1938, Jinnah was claiming that during the last six months the Muslim League had enrolled members by hundreds of thousands.[8] Even though the Congress had launched its Muslim mass contact movement, by January, 1938, it could claim the support of only a hundred thousand

(or 3.2 per cent.) Muslims out of its 3.1 million members.[9] Thus, the great majority of politically conscious Muslims were joining the Muslim League. In 1944, the Muslim League officially claimed a membership of some two million.[10] Its organization had penetrated the countryside and those Muslims who openly remained hostile to the Muslim League were not considered Muslims by their co-religionists. By the end of 1944, the Bengal Muslim League claimed a membership of about half a million and the Sind and Punjab Leagues had 200,000 members each. But the most convincing testimony of the Muslim League's strength came from the 1945-46 election results. The Muslim League polled about 4.5 million or 75 per cent. of the Muslim votes in the elections.[11] It won 460 out of the 533 Muslim seats in the Central and Provincial elections.

The question arises that if the organization and power of the Muslim League were entirely due to the drive and organizing ability of Jinnah, why was it that the Muslim League prior to the thirties, when Jinnah was one of its leading figures, was a dormant body? Jinnah had been President of the Muslim League during the years 1919-1930. The Secretary of the League, lamenting Jinnah's decision to leave the country in 1931, said in his annual report: "Mr. M. A. Jinnah had been the life and the moving spirit of the League for many years and the success of the institution during the last 9 years was due to his earnestness, devotion and statesmanship."[12] Did the Muslim League receive new impetus first as a result of the short-sightedness of the Congress in excluding Muslim League representatives from the Provincial Congress Cabinets in 1937, and later owing to the alleged persecutions that the Muslims suffered during the Congress regimes of 1937-39? Azad, and recently Chaudhri Khaliquzzaman in his memoirs, seem to think that the former was the main cause which helped the League to rally the Muslims under its banner.[13] There is no doubt that this did help the League. But how was it that the Muslim League did not achieve its maximum strength during these years of alleged Congress persecutions? It was only after the Lahore

Resolution was passed and the demand for a separate Muslim State came to the forefront that Muslims in their thousands flocked to the Muslim League. Thus, neither Jinnah's organizing ability nor the alleged Congress misrule by themselves could have transformed the League into a mighty force. The demand for Pakistan reminded Muslims of their past glory and opened before them vast and fascinating vistas of future greatness. It was this stimulant which put life and vigour into the Muslim League.

Those who think that Pakistan was entirely a product of Hindu hostility to Muslims not only exaggerate Hindu responsibility for it but also forget that perhaps Muslims were just as hostile. In addition to all this, they have not appreciated the demand for Pakistan in its historical perspective. Muslims had ruled India and they could not understand why under a democratic system they should be deprived of power and influence. Thus, it was this desire for power and unwillingness to live under those whom they had governed which largely explains the demand for Pakistan. Jinnah was groping towards this even before the demand for Pakistan was launched.

> "Muslims have made it clear more than once that besides the question of religion, culture, language and personal laws, there is another question of life and death for them and that their future destiny and fate are dependent upon their securing definitely their political rights, their due share in the national life, the Government and the administration of the country."[14]

Muslim educated classes were not so much concerned about their religious and cultural rights as they were about their share in the government of the country. The tremendous following that Jinnah had among these classes lay in the fact that he offered to them political power under a new Muslim State.

> "Which government claiming to be a civilised government can demolish our mosque, or which government is going to interfere with religion which is strictly a matter between God and man? The question is that Musalmans are

a nation, distinct from the Hindus. . . It is a historical fact that the Musalmans are a separate nation and hence we must have our own States."[15]

But a great majority of the two-anna members of the Muslim League were not Westernized educated Muslims.[16] They were simple rural folk or the poorer sections of the urban Muslims who were told time and again by their *Mullahs* that power would be given to them by God if they became good Muslims. Thus, the idea of establishing a Muslim State was not new. Less sophisticated and anti-League Muslim organizations like the *Ahrar* and the *Khaksar* had talked about it. The *Ahrars* put forward the idea of *Hukumat-i-Ilahia* (Government of God) and the *Khaksars* claimed that their aim was *Istikhlaf fi al-Ard* (Establishment of Khilafat (Islamic Government) on earth).[17] Thus, when the League demanded Pakistan, it was responding to this inner urge for political power among the Muslims. The Muslim League was, on one hand, satisfying a craving for power and influence free from Hindu competition among the Muslim intelligentsia and, on the other, the more vague and religious urge for power among the Muslim masses. The League, in this sense, had become a more comprehensive and representative organization than the Khilafat movement which did not attract the full support of Westernized and educated Muslims.

The Muslim League, like the Congress, was not a political party in the ordinary sense of the term. It was a national movement whose aim was the establishment of the separate, sovereign State of Pakistan. Any man who stood against the Muslim League was called a traitor or quisling by the Quaid-i-Azam. Some of the Muslim Leaguers went so far as to say that any Muslim who opposed the Muslim League had betrayed the cause of Islam itself.[18] As long as Pakistan remained unachieved, all Muslims were supposed to subordinate their personal and ideological differences to the national goal.

"We shall have time to quarrel ourselves and we shall have time when these differences will have to be settled,

when wrongs and injuries will have to be remedied. We shall have time for domestic programme and policies, but first get the Government. This is a nation without any territory or any government."[19]

Thus, within the Muslim League could be found feudal landowners, industrialists, the *ulama,* the lower middle classes, industrial workers and peasants. In it were Socialists like Mian Iftikharuddin and extreme leftish elements like Danyal Latifi, who had joined the League after it had become clear that the goal of Pakistan was within sight. The leadership of Jinnah and the organization and discipline of the Muslim League were such that all these heterogeneous elements could be kept within the League without impairing its unity. Similarly, the passionate zeal for Pakistan was such that Bengalis and Punjabis, though conscious of their differences, were willing to work together for the common goal.

Jinnah very cleverly kept himself and the League scrupulously out of all controversial issues. He himself was a Shi'ah and a Khoja by origin, but always said that he was only a Muslim and also offered his public prayers with the Sunni Muslims. The simple doctrine that he preached was that Islam transcended all petty sectarian differences. Since there was no state, no debates about what form of Islam should be established or practised could arise. And the sort of Islam that the Muslim League put forward was simple and straightforward, free of all theological and doctrinal subtleties, which the ordinary Muslim masses could understand. This intellectual naivety was such that it pervaded not only the Muslim masses but infected the leaders as well.

The growth of the Muslim League was also helped considerably by the total absence of any competition from other political parties, particularly after 1942 when the Congress leaders were in jail. Jinnah himself frankly admitted that he shuddered when he considered what was going to happen in 1939. "There was going to be a deal between Mr. Gandhi and Lord Linlithgow. Providence helped us. The war which nobody welcomes proved to be a

blessing in disguise."[20] On the other hand, it could also be argued that the Congress Muslim mass contact movement had not proved successful earlier and was not likely to produce any different results if tried later. Moreover, if the Congress had remained in power, there might have arisen differences between the Congress High Command and the Provincial Ministries or between leaders in the High Command itself like Nehru and Patel. Congressmen, by going to jail and taking a stand against the British Government, created for themselves such support and sympathy that even the Communists, who tried to infiltrate into every segment of Indian political life, could not make much headway.

The Congress Party has been criticized for its unitarian structure and the way it nullified Provincial autonomy by controlling the Provincial Governments.[21] Sometimes Gandhi's interference in Congress affairs and his comparisons of the Congress structure with that of an army also created the impression that the Congress was imitating Fascist methods.[22] Jinnah was also quick to detect such Fascist features in the Congress organization. But he has also been subjected to the same sort of criticism in the sense that when the League organization became powerful, he saw to it that the Muslim League Provincial Parliamentary Parties and Governments carried out the instructions issued to them from the Centre. He was also sometimes fond of comparing the Muslim League with an army with himself as the general. Thus, he talked of giving marching orders when the Muslims were disciplined and ready.[23] When his mission of achieving Pakistan was accomplished in June, 1947, he was reported to have said: "I have done my job. When the Field Marshal leads his army into victory, it is for the civil authority to take over."[24]

When Jinnah started reorganizing the Muslim League during 1935-37, he proceeded very cautiously and wanted to enlist as much support as possible of the influential Muslim leaders. Thus, as noted earlier, he invited Sir Fazl-i-Husain to preside over the annual session of the

Muslim League in 1935. In the Lucknow session in 1937, the Muslim League acquired tremendous strength when Fazl-ul-Huq, the Premier of Bengal, and Sir Sikander Hyat Khan, the Premier of Punjab, declared their support for the Muslim League and brought over their parties to the Muslim League ranks. At that time, Jinnah's main concern was to build the Muslim League as a powerful and well-organized party and the power he enjoyed depended very much upon the support that he obtained from powerful Muslim groups in the various Provinces.

It was in 1941 that one got the impression for the first time that the power of the President was not only dependent upon the League as a party but had also acquired a personal character. The Quaid-i-Azam had emerged. One cannot help admiring the strategy that Jinnah followed in building up his power and prestige as the League President. In July, 1941, the Viceroy announced that the Premiers of the Punjab, Bengal, Assam and Sind had been invited to join the National Defence Council. The Muslim League had been following a very shrewd and cautious policy whereby it neither co-operated wholeheartedly with the British war effort nor did it take any steps to obstruct it. But it certainly did not want to create the impression that, unlike the Congress, it lacked national fervour for the freedom of the country. When the invitations to the Provincial Premiers to join the National Defence Council were issued, Jinnah knew that the Viceroy had made a tactical mistake by inviting them as representatives of the Muslim community. The Premiers of the Punjab, Bengal and Assam were under the impression that they had been invited to represent their Provinces and indicated their willingness to join the National Defence Council. (At that time Sind did not have a Muslim League Ministry.) When Jinnah issued peremptory orders to them to resign from the National Defence Council, they were resentful. But when he confronted Sir Sikander Hyat, the Premier of Punjab, with the text of the message that the Viceroy had sent to him through the Governor of Bombay, Sir Sikander Hyat had no choice except to tender his resignation from

the National Defence Council because the message indicated that he had been invited as a representative of the Muslim community.[25] This was followed by the resignation of Sir Saadullah, the Premier of Assam. Fazl-ul-Huq at first was extremely resentful and reluctant, but later he had to resign as well. He complained that Jinnah had known of their selection at least a day before the names were published but did not care to indicate his disapproval immediately. "He kept waiting and watching till our names were published and then he came out with his thunder that he had decided to take disciplinary action against us." He "took us unawares as if he was anxious to make a public exhibition of his authority."[26] Similarly, Begum Shah Nawaz, who had joined the National Defence Council, was called upon to resign but when she refused, she was expelled from the Muslim League for five years. This was followed by the expulsion of Sir Sultan Ahmad for having joined the Viceroy's Executive Council contrary to the decision of the Muslim League and its general policy. This 'exhibition of authority' made the Muslims realize how powerful their Quaid-i-Azam was in the sense that powerful Muslim leaders could not easily flout his instructions without incurring the wrath of Muslim public opinion.

## I. Organs of the Muslim League—Powers and Functions

### 1. *President, Working Committee and Council*

The Muslim League was not the only party in the subcontinent which developed the cult of leadership. As has been suggested earlier, the Congress had also built up the charismatic authority of Gandhi. But there was a difference between the two concepts of leadership. Gandhi was the Mahatma, who was associated in the Hindu mind with a sort of semi-divine authority. Jinnah was only the Quaid-i-Azam and particularly because of his Western habits and temperament, could never claim to be a religious leader or a holy man. In Muslim history, particularly in political matters, Muslims had been content to follow leaders who were not very religious but politically or

militarily capable or successful. Thus, Jinnah was presented as a man of great wisdom, courage and such shrewdness that Hindus were afraid of him. The common belief was that his predecessors, like Maulana Muhammad Ali, had not been very shrewd and had often been out-smarted by Hindu leaders. For the intelligentsia, Jinnah had certain outstanding qualities. He was a brilliant and a wealthy lawyer and a constitutionalist who could lecture to them perhaps better than anyone else on the art of parliamentary government. For those who were wealthy like the Memon, the Khoja and the Bohri merchants, he was not only a man of unimpeachable integrity but being a Gujarati, was one of them.[27] But Jinnah was not content to derive his authority merely from popular acclaim. His mind worked along constitutional channels. For him, the basic source of his authority was the Constitution of the All-India Muslim League.

As one reads through the Constitutions of 1940, 1941, 1942 and 1944, one notices a steady centralization of power in the hands of the President and his Working Committee. Article 33 of the 1944 Constitution stated: "The President shall be the principal head of the whole organization, shall exercise all the powers inherent in his office and be responsible to see that all the authorities work in consonance with the Constitution and Rules of the All India Muslim League."[28] What were the instruments available to the President to see that all the organs of the League worked in accordance with the Constitution and the Rules? The process of amassing power in the hands of the President and the Working Committee had started in 1940. According to the Constitution, the President was to be elected every year by the Council from amongst those who had been nominated by different Muslim Leagues. Could it be said that the Provincial Muslim Leagues could determine the choice of the President in the sense that they nominated the various candidates? It must be made clear at this stage that the author is not casting any doubts on the popularity of Jinnah, which was unquestionable. What is being attempted is to show which organ of the League was

the repository of ultimate effective power. The power of the Provincial League *vis-a-vis* the Centre was only nominal because in the annual session in 1940 the Constitution of the League was amended and the Working Committee was empowered "to control, direct and regulate all the activities of the various Provincial Leagues." Similarly, the Working Committee could suspend, dissolve or disaffiliate any Provincial League which failed in its duties or acted contrary to the decisions or directions of the Working Committee or the Council of the All-India Muslim League. Thus, it was the Working Committee which exercised ultimate and effective power over the Provincial Leagues.

The Working Committee was a creature of the President in the sense that its members were nominated by the President each year at the time of the annual session from amongst the members of the Council. It could be said that the Working Committee was responsible to the Council of the All-India Muslim League in which were represented the various Provinces. Article 24 of the 1942 Constitution said that all resolutions passed by the Working Committee would be subject to the approval of the Council of the League, but the process of concentration of power had altered this balance because Article 23 of the 1944 Constitution clearly laid down that: "All resolutions passed by the Working Committee will be placed before the Council of the League for its information."

There is no clear and authentic account of the way decisions were arrived at in the Working Committee. R. G. Casey, Governor of Bengal, 1944-46, probably drew his information from Khwaja Nazimuddin, for some time his Chief Minister, when he wrote:

> "Mr. Jinnah is credited with ruling the working committee of the Muslim League with a rod of iron. He is said to tell them what's what, and that they invariably fall into line. At any signs of intransigence on what he considers a major point he is said to threaten resignation, after which the argument ceases. . . ."[29]

Most of the members of the then Working Committee that the author interviewed strongly denied the 'rod of iron

theory'. But when they tried to explain to the author that the Quaid-i-Azam allowed free and full discussion in the Working Committee and that he always respected those who held their beliefs honestly and sincerely, they more or less always came back to the view that is stated in the above statement, namely, that the power, experience and personality of the Quaid-i-Azam were such that invariably his decision was accepted. It was reported that the Quaid seldom spoke first. He often encouraged the members of the Working Committee to put forward their views clearly and completely. He often used to say, 'Why don't you argue? I may be wrong'. But after the discussion was over, he would indicate how the Working Committee should deal with the particular matter on hand.

There were certain members like the Secretary, Liaquat Ali Khan, and I. I. Chundrigar (from Bombay) whom Jinnah called to his residence to discuss certain matters on the agenda before the Working Committee meeting. His method was to discuss every problem threadbare before a decision was reached. He would often tell Chundrigar, 'You take the British or Congress point of view and argue with me.' Jinnah often treated Nawab Ismail Khan with respect. He was the only member of the Working Committee who was addressed with his honorific 'Nawab' while others were addressed by their first names. There was a group in the Working Committee which strongly believed in coming to terms with the Congress. This group consisted of Chaudhri Khaliquzzaman, Ismail Khan, Husain Imam, and for some time, G. M. Syed (from Sind). Jinnah's point of view was that since ultimate power was held by the British and it was they who could confer or transfer power, why should he go out of the way to come to terms with the Congress? Both the Congress and the League were engaged in extracting maximum power from the British. The best course that was open to the League was to consolidate its own position and deal with the Congress and the British from a position of strength.

There was some suspicion in the Working Committee that several important matters discussed in the Committee

sometimes leaked out to the opponents of the League. Thus, when the Working Committee was in session during the Simla Conference in 1945 and when the Cabinet Mission was holding discussions with the Indian parties in 1946, the Working Committee would sometimes keep its position fairly flexible so that there might be enough room to manoeuvre from one position to another. It was suspected that the League's opponents had come to know of these decisions. This must have hampered free discussion and it was likely that at certain moments Jinnah did not feel safe to take the whole Working Committee into his confidence and probably consulted only some of his close and trusted lieutenants.

Liaquat Ali Khan, as Secretary of the Muslim League, built up his position slowly and steadily. He was a prosperous landowner whose family was originally from the Karnal District of East Punjab, but who had moved over to the United Provinces. He was affable by nature and seldom antagonized anybody. He carefully kept himself aloof from all intrigues and soon outpaced Chaudhri Khaliquzzaman, his most formidable rival, and also Nawab Ismail Khan, Chairman of the Committee of Action, in rising to a position next to Jinnah. Jinnah himself had described him as his "right hand". After getting elected to the Central Legislative Assembly he moved to New Delhi where the All-India Muslim League had its Central Office. He also became the Deputy Leader of the Muslim League Party in the Central Legislative Assembly. When *Dawn*, the Muslim League newspaper, started in 1942, he was appointed its Director. *Dawn* gave him considerable publicity as an active and efficient Secretary of the All-India Muslim League. As Chairman of the Central Paliamentary Board, he occupied another influential position. But his main source of strength was the trust that his leader placed in him. Had it not been for this fact, the clever Khaliquzzaman or the dynamic Suhrawardy might have supplanted him.

The members of the Working Committee during 1945-47 were:

| | | |
|---|---|---|
| N-W.F.P. | 1. | Sardar Abdur Rab Nishtar. |
| | 2. | Sardar Aurangzib Khan. |
| Baluchistan | 3. | Qazi Muhammad Isa. |
| Punjab | 4. | Mian Bashir Ahmad. |
| | 5. | Nawab Iftikhar Husain Khan of Mamdot. |
| | 6. | Malik Barkat Ali (died in 1946). |
| Sind | 7. | Muhammad Ayub Khuhro. |
| Bombay | 8. | I. I. Chundrigar. |
| Madras | 9. | Abdul Sattar Sait. |
| Central Provinces | 10. | Syed Abdur Rauf Shah. |
| United Provinces | 11. | Nawab Muhammad Ismail Khan. |
| | 12. | Chaudhri Khaliquzzaman. |
| | 13. | Raja Muhammad Amir Ahmad Khan of Mahmoodabad. |
| | 14. | Begum Muhammad Ali (died in 1946). |
| Bihar | 15. | Husain Imam. |
| | 16. | Latifur Rahman. |
| Bengal | 17. | Maulana Akram Khan. |
| | 18. | Khwaja Nazimuddin. |
| | 19. | M. A. H. Ispahani. |
| Assam | 20. | Sir Muhammad Saadullah. |
| | 21. | Abdul Matin Chowdhry. |

G. M. Syed was removed from the Working Committee after his expulsion from the Muslim League towards the end of 1945. There were two office bearers who were ex-officio members, M. A. Jinnah, President, and Liaquat Ali Khan, Secretary.

From the Constitution itself it was obvious that the Council was neither an active nor an effective body. First

of all, it had 475 representatives from various Provinces and if the ex-officio Members of the Indian Legislative Assembly, the Council of State, the President and Secretaries of the various Provincial Muslim Leagues and the President's 20 nominees were to be taken into account, it would be a much larger body. In the official list of the members of the League Council of 1941, there were as many as 513 members. The quorum in the Council meetings was 50, but usually as many as 200 members were present. Jinnah's admirers have assured the author that the Quaid-i-Azam accorded the fullest latitude to the Councillors for expressing their opinions. But they added that the personality of their leader was so towering and awe-inspiring that nobody could sway the opinion of the Council once it was clear what the Quaid desired. There were, of course, members like Z. H. Lari and Syed M. Rizwanullah, both from the U.P., who were daring enough to speak their minds. There was also Hasrat Mohani, often provocative and fearless. Barkat Ali from Punjab was perhaps the most logical and convincing speaker. But there were other veterans who vied with one another in agreeing with the Quaid-i-Azam.

The Council was empowered to disaffiliate Provincial Leagues if they acted in contravention of the League policy and programme and also take disciplinary action against any members of the League who violated its decisions. These powers were also invested in the Working Committee and normally that was the body which took the initiative in these matters and the Council was expected to ratify its decisions.

2. *Committee of Action*

The Committee of Action was set up for the first time during the annual session of the Muslim League in Karachi in December, 1943. Jinnah, addressing the session, said that the organization of the Muslim League had grown so unwieldy that it was not possible for any one man to attend to its multifarious activities.

"If you were to know what I have to attend to all alone,

you will be astonished. All over India, today this thing happening in Patna; tomorrow that thing happening in Bengal; the day after tomorrow this thing happening in N-W.F.P.; the day after that this thing happening in Madras. . . Now it is not possible for one single man to do justice to all this."[30]

This revealed that decision-making on a number of small as well as complex matters was concentrated in the hands of the President. Secondly, he could not assemble his Working Committee off and on at different places to resolve problems as they arose from place to place. Another matter which must have taxed Jinnah's mind was the future constitutional problem of India. He probably expected that the war would soon be over or even before that the British might make some major policy decisions as regards the constitutional problem in India. This was indicated by the resolution that was passed regarding the appointment of a Committee of Action by the President of not less than five and not more than seven members. The aim was "to prepare and organize the Muslims all over India to meet all contingencies, resist the imposition of an all India Federation or any other constitution for the United India, and prepare them for the coming struggle for the achievement of Pakistan."[31] All this was to be done by tightening the organization of the Muslim League. Formerly, the Working Committee was in exclusive charge of controlling and directing the various Provincial Muslim Leagues or taking disciplinary action against such members and Provincial Leagues who acted against the directives of the Central organization. All these functions were delegated to the new Committee of Action.

The Committee of Action was another instrument devised by the Central Muslim League to tighten its control over the Provincial Muslim Leagues with a view to setting up a well-disciplined and monolithic organization. Thus, if and when the League were faced with a particular situation, all that the President had do was to give his orders and they would be duly carried out by every Provincial Muslim League. The Committee of Action, therefore, suggested a

model constitution for all Provincial Muslim Leagues. According to this constitution, the Presidents of the various Provincial Muslim Leagues would nominate members of their Working Committees from amongst the members of the Council of that Provincial Muslim League. Thus, it was suggested that each Provincial Muslim League should be modelled on the pattern of the Central Muslim League. In Bombay, for example, according to the Constitution of the Provincial Muslim League, the office bearers and the members of the Working Committee of the Provincial Muslim League were to be elected at the annual general meeting from among the members of the Provincial Muslim League.[32] This meant that it was possible that many members of the elected Provincial Working Committee might not see eye to eye on a number of problems with the President. This often led to friction and presumably the Committee of Action had been called upon from time to time to resolve disputes arising from such a situation. As a result of the suggested change, it was hoped that if the Provincial Working Committees were made creatures of their Presidents, the latter would be in a position to have the orders of the Central League efficiently and promptly carried out.

In the same manner the Committee of Action recommended to the Working Committee that all the Muslim Members of the Legislative Assembly and Council of a Province as well as all Muslim Members of the Central Legislative Assembly and Council of State elected from that Province should be ex-officio members of the Council of that Provincial Muslim League. The former provision was probably designed to ensure good relationships between the Parliamentary Party and the Provincial Muslim League, and the latter with a view to making the Provincial Council amenable to Central influence. By suggesting such a model constitution, it was also intended that each Provincial Muslim League would be organized on roughly the same lines instead of the different Provincial Muslim Leagues following a host of different constitutions of their own. The Working Committee accepted these

suggestions and passed a resolution to this effect in May, 1946.[33]

The Committee of Action was also entrusted, after the 'Direct Action' Resolution had been passed in July, 1946, with drawing up a programme of 'Direct Action'. Probably nothing much came out of this because of the Working Committee's decision to enter the Interim Government in October, 1946.

Usually, the various Committees of the Muslim League were dominated by Muslim Leaguers either from the minority Provinces or sometimes from those of the United Provinces alone. In the Committee of Action, however, one could see that there were three members out of six from the North-Western Muslim Provinces. They were: G. M. Syed from Sind, Iftikhar Husain Khan of Mamdot from the Punjab, and Qazi Muhammad Isa from Baluchistan. The other three were from Muslim minority Provinces—Ismail Khan (Chairman) and Liaquat Ali Khan from the United Provinces and Abdul Sattar Sait from Madras.

3. *Central Parliamentary Board*

The Central Parliamentary Board, according to the Constitution, was to be set up by the Working Committee. It was not clear from the resolutions of 1945 whether the President was given the power to appoint all the members of the Central Parliamentary Board for the elections of 1945-46. But the earlier Parliamentary Boards had been set up by the President who by a resolution of the Working Committee passed on April 12, 1941 was empowered to name the personnel of the Parliamentary Committee (the name given to the Central Parliamentary Board at that time). In July, 1945, the rules and regulations of the Central Parliamentary Board were framed by the Working Committee. The Central Parliamentary Board was empowered with a wide latitude of powers which reduced the status of the Provincial Parliamentary Boards to that of subservient and subordinate bodies. It was the Central Parliamentary Board which was given the power to supervise and control the various Muslim League

Provincial Parliamentary Parties. It was the tribunal which decided all disputes arising between a Provincial Parliamentary Board and a Provincial Muslim League or a Muslim League Parliamentary Party. Similarly, it was laid down that the Provincial Parliamentary Board would be under the general supervision, control and direction of the Central Parliamentary Board. A candidate could appeal against the decision of the Provincial Parliamentary Board to the Central Parliamentary Board whose decision was final and binding on the Provincial Parliamentary Board.[34]

Even before these rules were framed, the Council of the Sind Provincial League, in its meeting of June 3-4, 1945 protested against "the convention established by the All India League, which aims at divesting the Provincial Leagues of all their inherent powers of control and supervision over Provincial Assembly Parties and Ministries." The resolution took a stand against such excessive centralization which "definitely militates against the principle of provincial sovereignty."[35] Sind had always been a hot-bed of intrigues and instability. The Central Muslim League was of the view that the Muslim League Members in the Provincial Legislature often crossed the floor for purely selfish considerations and there was no discipline in the party. The Central Parliamentary Board was anxious that there should be a fully-fledged Muslim League Ministry in a Muslim majority Province like Sind. In March, 1945, the Central Parliamentary Board sent detailed instructions to Sir Ghulam Hussain Hidayatullah as to how he should constitute his Ministry. Moula Bukhsh, one of the Ministers, had refused to join the League. Sir Ghulam Hussain was called upon by the Central Parliamentary Board to submit the resignation of his Ministry to the Governor and reconstitute it when invited again to form a Ministry by the Governor in such a way that no Muslim was taken in unless he were a Muslim Leaguer.[36]

Over and above all these organs like the Working Committee, the Committee of Action, and the Central Parliamentary Board stood the personal power of the

Quaid-i-Azam as President of the Muslim League. Thus, according to a resolution of the Working Committee passed on October 22, 1939, the President was empowered "to advise, guide and issue instructions to Muslim League Parties in the various Provincial Legislatures in the event of some sudden emergency arising." In October, 1942, the Sind Muslim League Parliamentary Party had negotiated an agreement with Sir Ghulam Hussain Hidayatullah, who had been commissioned by the Governor to form a Ministry, that the party would support the Ministry if the latter would work under the supervision and control of the League Assembly Party and the Provincial Working Committee. According to the terms of the agreement, it was also agreed that the Ministry would sponsor the passage of Bills like the Tenancy Bill, the Money-lenders Bill and the Land Alienation Bill in the Assembly. When Jinnah was informed of these developments, he was doubtful whether such an arrangement would work and was also angry that he had not been consulted. The text of his telegram dated October 19, 1942 and addressed to the Provincial League read:

> "Muslim League Party Provincial League its executive no power take decision without my approval see resolution number two twenty-second October 1939 it is binding on you Party bound carry out give effect my instructions come Delhi yourself immediately before accepting office joining Ministry cant follow nor understand terms from your telegram vague surprised you say my telephone not working am receiving calls perfect order."[37]

In the meantime, matters had gone so far that certain Muslim League members had already been sworn in as Ministers in the new Cabinet. Sind Muslim League leaders like G. M. Syed, Khuhro and M. H. Gazdar were summoned to Delhi to present their case before the Working Committee which met on November 8, 1942. The Muslim League Working Committee had to accept the *fait accompli* and its resolution only regretted that the Executive of the Sind Provincial Muslim League had failed to carry out the

instructions of the President regarding the formation of a Ministry. The Sub-Committee that was appointed by the Working Committee to look into the matter visited the Province in December and they also felt that the arrangement arrived at between Sir Ghulam Hussain and the Provincial League could continue undisturbed. This showed that in spite of the enormous powers and prestige that the President enjoyed, he could not dictate the course of events in the face of certain realities and a determined opposition from the Provincial League.

In the Madras session of 1941 the President was "authorised till the next Annual Sessions to take every necessary action or steps in furtherance of and relating to the objects of the Muslim League, as he may deem proper, provided that they are consistent with the goal and policy of the League or any resolution expressly passed by the sessions of the All India Muslim League." This practice was continued in subsequent years. In the Allahabad session of April, 1942, Maulana Hasrat Mohani protested that Jinnah should not be invested with such dictatorial powers because there was a possibility that he might take a wrong decision, accept the Cripps proposals, and thus act contrary to the established creed of the Muslim League, namely, the establishment of independent zonal States. But the resolution arming Jinnah with all the powers was passed with the single dissenting vote of Hasrat Mohani.[38]

One could see that Hasrat Mohani's fears were not purely imaginary. In June, 1947, when the Congress had approved Mountbatten's plan of Partition, Jinnah was pressed by the Viceroy to give a categorical undertaking that the League would accept the plan. Jinnah made it clear that he could give no such undertaking without obtaining the approval of the Council. Mountbatten did not succeed in getting a clear undertaking from Jinnah even when he threatened that he might lose his Pakistan. The Viceroy wanted such an assurance from the League leader because of the Congress suspicion that Jinnah might use such delaying tactics to extract further concessions. Jinnah would not budge and said, "What must be, must be." However, he

agreed later that he would try his best to persuade the Muslim League Council to accept the plan.[39] This meant that if the League Council had decided to reject the plan, it would have placed the Muslim League leader in an extremely embarrassing position in the sense that they would have let him down after he had indicated to the Viceroy that in all probability he would be able to persuade the Council.

Thus, it could be said that the Muslim League Constitution conferred enormous powers on the Central organs to supervise, control and regulate the Provincial Muslim Leagues. But over and above the Central organs stood the august and awe-inspiring personality of the Great Leader, who controlled the Central organs. The Working Committee was his creature. He more or less nominated the Central Parliamentary Board. The Committee of Action carried out his wishes and the Council, with some minor protests here and there, put a stamp of its formal approval on his behests. The great mystery was not that he had so much power but that he had not been corrupted by such excessive power.

## II. Method and Machinery of Propaganda

It has been shown already how the All-India Muslim League built up an elaborate mechanism to control the activities of the various Provincial Leagues. It has also been seen how the various Provincial Leagues were asked to model themselves on the pattern of the Central organization. This meant that there was a chain of command extending right from the President and his Working Committee or the Committee of Action to a Primary League in a Province. How this system operated at the Provincial level may be illustrated from a constitution like that of the Bombay Provincial Muslim League. It was stated that one of the main duties of the Provincial Muslim League was to "supervise and control the work of the District and Primary Muslim Leagues and ensure that the instructions, policy and programme of the All India Muslim League are carried out." Similarly, a District Muslim League had to carry out

the instructions received from time to time from the Provincial Muslim League and supervise and control the work of the Primary Muslim Leagues within its District. Finally, this was rounded off by the provision that a Primary Muslim League should carry out the instructions issued by the District Muslim League and was subject to its general supervision and control.[40]

It was obvious that the Muslim League had been doing considerable propaganda work to expand its membership and increase its popularity. But before 1940, its programme could have been presented only in negative terms, the main plank in the programme being an outright denunciation of alleged persecutions of Muslims under the Provincial Congress Governments. After the Lahore Resolution of March, 1940, it was imperative that the Muslim League should try to rally support for the idea of Pakistan by explaining what benefits would accrue to Muslims if it were achieved. But there was no clear indication, at least through the official resolutions passed during 1940-42, whether the League was strenuously engaged in popularizing the idea of Pakistan. It was during March-April, 1943, that one saw for the first time that the League was thinking of embarking on an organized mass campaign through methods like sending out missions of speakers and propagandists and producing literature for the propagation of its objectives. However, according to the official records, the resolution embodying these proposals was referred to the Subjects Committee of the thirtieth annual session of the League held at Delhi in April, 1943.[41] But it was never put forward and passed in the annual sessions. Therefore, one has to rely on the sort of propaganda that emerged in the form of speeches made by League leaders as well as the campaigns conducted by students and the *ulama* and also on the publicity of the League programme through the pro-League newspapers and the official literature.

What exactly was the problem involved in carrying out the League propaganda to popularize the idea of Pakistan? The League's propaganda had to be organized on two fronts. Muslims in Hindu majority Provinces had to be

reassured that Pakistan would not necessarily result in their isolation and helplessness under Hindu domination. The League did not want a cleavage between the Muslims in Hindu majority Provinces and the Muslims of Pakistan Provinces for the Quaid-i-Azam needed all his 'hundred million Musalmans' to fight against both the Congress and the British. But the sort of response that the Muslim League had achieved in the Muslim majority Provinces, particularly in the Punjab and the Frontier, was not very reassuring. The Muslim League did not obtain a majority in the Frontier even during the 1945 elections. It was after a good deal of hard work and perseverance that public opinion turned in the League's favour in the Frontier. Similarly, the Punjab, which was described by Jinnah as the 'corner-stone of Pakistan', was by no means a solid Muslim League stronghold. In the Delhi session, addressing the Punjab delegates, Jinnah appealed, ". . . Please substitute love for Islam and your nation, in place of sectional interests, jealousy, tribal notions and selfishness."

It was no doubt true that the Quaid-i-Azam was an indispensable asset of the League. He had unmistakably become, as his admirers said, a symbol of Muslim regeneration. He often appeared in public meetings in his *sherwani*, and, if the legends that have grown around him are to be believed, the Quaid-i-Azam frowned on any Muslim Leaguer attending the Council or public meetings in Western clothes. He was remote and aloof and often gave the impression of being arrogant and autocratic, but it seemed that with all his Western training and temperament, he understood his people extremely well. He knew that the ultimate focus of loyalty of an overwhelming majority of Muslims was Islam. Many of the Muslim League lawyers and landowners were by no means devout Muslims. Similarly, a great majority of the rural masses did not practise the tenets of Islam strictly. They had been influenced by their Hindu environment with its customs and traditions. Nevertheless, all these classes had in their minds a vague feeling that they would all become better Muslims once a Muslim State was established. The Quaid-i-

Azam also knew that Pakistan could not be achieved unless his followers, particularly in the countryside, were assured that an Islamic form of government based on the laws of the *Qur'an* and the *Shariat* would be established in Pakistan. Without the help and intervention of the Pir of Manki Sharif, the Muslim League could not have built up its position in the Frontier and ultimately won the referendum in that Province. It seemed that the Pir Sahib demanded an assurance from Jinnah before he would offer his co-operation. In a letter to the Pir of Manki Sharif, the League leader clearly stated in November, 1945: "It is needless to emphasize that the Constituent Assembly which would be predominantly Muslim in its composition would be able to enact laws for Muslims, not inconsistent with the *Shariat* laws and the Muslims will no longer be obliged to abide by the Un-Islamic laws."[42]

In the League meetings that the Quaid-i-Azam addressed, particularly in the Muslim majority areas, Islam with its symbols and slogans figured very prominently in all his speeches. Addressing the Pathans, he said:

> "Do you want Pakistan or not? (shouts of Allah-o-Akbar) (God is great). Well, if you want Pakistan, vote for the League candidates."
>
> "If we fail to realise our duty today you will be reduced to the status of Sudras (low castes) and Islam will be vanquished from India."
>
> "I shall never allow Muslims to become slaves of Hindus. (Allah-o-Akbar)."[43]

With all his surging popularity, there were several limitations that the Quaid-i-Azam suffered from. He did not have a strong constitution and could not stand the dust and din of Muslim League campaigns in the countryside. The League also did not want to tax his energy too much because he was irreplaceable at the summit in the League's negotiations with the Congress and the British. He did not speak Urdu fluently and as a result of increasing mass participation in League meetings, particularly in the annual

sessions, his speeches had to be translated, often by that gifted orator, Nawab Bahadur Yar Jung from Hyderabad (Deccan), President of the All-India States Muslim League. Further, the opponents of the League were also busy accusing the League leaders and particularly the Quaid-i-Azam of hypocrisy in their professions of loyalty to Islam and the *Shariat*. Thus, even the *Jama'at-i-Islami* leader. Maulana Maudoodi, who could not be accused of pro-Congress sympathies, wrote: "From the League's Quaid-i-Azam down to the humblest leader, there was no one who could be credited with an Islamic outlook and who looked at the various problems from an Islamic point of view."[44] In subsequent years, the denunciations became even more bitter. Thus, Maulana Husain Ahmad, President of the *Jamiyat al Ulama-i-Hind*, gave a *fatwa* in October, 1945, forbidding Muslims from joining the Muslim League on the grounds that such an action was contrary to the dictates of Islam. He also labelled the Quaid-i-Azam as 'Kafir-i-Azam' (the great heathen).[45]

The Muslim League relied quite heavily in its campaign among the masses both in the rural and urban areas upon the voluntary efforts of students, particularly from the Aligarh Muslim University. These students would often go to the remotest villages armed with the League's dialectics to do propaganda work. Later, the All-India Muslim Students Federation was formed which was very active in the Punjab. Particularly during the summer vacations, the Muslim students carried on extensive rural propaganda in the Punjab and were successful in enlisting support for the Muslim League. In 1942, they campaigned against some of the prominent Unionist Party members for having co-operated with the British war effort by joining the National Defence Council in defiance of the League policy. Their contributions to the general elections in 1945-46 were even more valuable. According to one source, over a thousand young Muslim students from Aligarh were sent particularly to Provinces like the Punjab and Sind, after having been trained at a centre for electioneering work. Jinnah was in touch with the leaders of these students and

they constantly kept him informed of the developments in the election campaign.[46]

The Muslim League also relied very heavily on the services of some of its highly gifted orators like Nawab Bahadur Yar Jung and Maulana Zafar Ali Khan. Particularly Bahadur Yar Jung during the years 1940-44 rendered yeoman services in carrying the League message to the remotest corners of the Punjab and the Frontier. It is said that he learned Pushtu so well that he could speak it fluently. He was responsible for making the first dent in the Frontier which was considered as a Congress stronghold because of Abdul Ghaffar Khan's influence.[47] But his chief forte was his oratorical power in Urdu which could hold even the most critical audiences in Lucknow and Delhi spell-bound. It is difficult to recapture in translation the magnificent orations of this truly remarkable man.[48]

In addition to all this, the Muslim League had built up a very strong press, particularly in Urdu. Delhi had *Anjam*, *Jung*, and *Manshoor* in Urdu and *Dawn* in English. Lahore produced *Inqilab*, *Nawa-i-Waqt*, *Paisa Akhbar* and *Zamindar* in Urdu. Lucknow had its *Hamdam*. Calcutta produced *Asre-Jadid* in Urdu, *Azad* in Bengali, and *Star of India* in English. There were many others besides these prominent newspapers. There were also Gujarati pro-Muslim League newspapers. There were Nationalist or Pro-Congress newspapers like the *Al-Jamiat* from Delhi and *Madina* from Bijnor. But in most of the Provinces, particularly during the later years, the Muslim League newspapers far exceeded those that were pro-Congress and also had a much greater circulation.

The author has been unsparing in Chapter II in showing how Hindu newspapers, novels, and other publications heralded Hindu revivalism and fanned the flames of Hindu-Muslim conflict towards the end of the nineteenth and the beginning of the twentieth century. Now the Muslims were in an aggressively bitter mood. The *Pirpur Report*, which catalogued the alleged Congress injustices and persecutions towards Muslims has already been referred to in an earlier chapter. The story that the *Pirpur Report* had begun was

carried forward and presented with even more lurid and gruesome details of Congress oppression. Thirty-two articles were published in *Dawn* and *Manshoor* under the series entitled *It Shall Never Happen Again*. They described how Muslims were forbidden from eating beef, their prayer meetings and mosques disturbed and sometimes attacked and desecrated and how Muslims suffered a much heavier toll of life and property in the riots that took place during the two and a half years of Congress administration.

> "Was it strange, then, that tragedy followed, tragedy and blood flowed instead of the milk of human kindness? Was it strange that Terror stalked the countryside and rendered the helpless outnumbered few despairing and desperate?
>
> "Here and there the worm did turn and not all the conflicts were onesided. But so indeed could the German historian accuse the Poles for turning upon the aggressive and death-dealing Nazi hordes!"[49]

This could perhaps be characterized as an exaggerated sense of outrage at some of the wrongs that Muslims had suffered. In Muslim majority Provinces like Bengal there was a note of aggressive confidence in the attitude of Muslims. A poem recited at a Muslim League Conference in the district of Mymensingh in March, 1941, and published later in the Bengali daily, *Azad*, indicated this attitude.

> "The oppressed remain silent by seeing the hypocrisy
> Of the idolatrous Hindus—oh death-like eddy!
> O victorious soldiers; march forward on our
> Religious pilgrimage to the Kaaba under the banner of
> the League...
>
> We want Pakistan, a proper division
> If it cannot be achieved by words, Muslims
> Are not afraid to use swords and spears.
>
> Where are the Muslim youths! We shall attain
> The desire of their hearts by tying down the wild tiger.
> Come quickly—break down Somnath...."[50]

*Role of the Pirs and Ulama*

Sir Malcolm Darling, who had spent nearly all his working life in intimate contact with the peasants of the Punjab, once wrote:

> "The peasantry, almost to a man, confess themselves the servants of the one true God and of Muhammad his Prophet, but in actual fact they are the servants of landlord, money-lender, and pir. All the way down the Indus from far Hazara in the north to Sind in the south these three dominate men's fortunes; and though they are found in greater or less degree all over the province, nowhere are they so powerful."[51]

The Muslim League could justifiably say that since they were engaged in the struggle for the establishment of Pakistan, they were entitled to enlist all important and useful support they could muster for the achievement of their goal. Thus, in 1946, a *Masha'ikh Committee,* consisting of eminent *pirs* and *masha'ikh* was appointed. It included religious leaders like Pir Sahib of Manki Sharif, Pir Jama't Ali Shah, Khwaja Nazimud-Din of Taunsa Sharif, Makhdum Raza Shah of Multan, etc.[52] But included in this Committee were political leaders with dubious pretentions to piety. ". . .Khan Iftikhar Husain Khan of Mamdot was described as Pir Mamdot Sharif, Sirdar Shaukat Hayat Khan as Sajjada Nashin of Wah Sharif, Malik Feroz Khan Noon of Darbar Sargodha Sharif and Nawab Muhammad Hayat Qureshi as Sajjada Nashin of Sargodha Sharif. . ."[53] Some of the League leaders, when interviewed by the author, denied completely the above allegation that political leaders like Mamdot, Noon and Shaukat Hyat were presented as *pirs* before the masses to win their votes during the elections. However, the League in defence could argue that the stakes were high and the campaign of abuse and slander that its opponents had resorted to justified such methods.

How hard-pressed the League was to obtain all available support during the elections was indicated by the fact that several prominent *ulama* had been persuaded to campaign

on behalf of the League. A highly respected leader like Maulana Shabbir Ahmad Osmani lent his whole-hearted support to the Muslim League election campaign. He defended the Quaid-i-Azam against the attacks of other *ulama* and religious leaders and pointed out that whatever might be alleged about the landlords, the Nawabs and other titled gentry in the League, there was not a shadow of doubt that Jinnah's integrity was irreproachable. He exhorted the Muslims to vote for the Muslim League because it was fighting for the establishment of a Muslim State in which there would be a possibility of establishing a government based on Islamic law and traditions. The opponents of the League were enemies of Islam and the true interests of Muslims. ". . .Any man who gives his vote to the opponents of the Muslim League, must think of the ultimate consequences of his action in terms of the interests of his nation and the answers that he would be called upon to produce on the Day of Judgement."[54] As regards the charges that the Muslim League leaders, not being devout Muslims, were not likely to work for the establishment of an Islamic Government in Pakistan, Maulana Osmani said that if these charges were true, it was all the more important that all sincere and God-fearing Muslims should join the League in order to transform its character. Not being a politician, he did not realize that the powerful Westernized groups inside the League would not allow the *ulama* or other religious groups to change its ideology for such a change would result in their group losing power in the League. Maulana Osmani's technique was to compare present Muslim politics with the political conditions of Muslims during the Prophet's time. This was a usual method with the *ulama*. Dealing with the argument that after the formation of Pakistan, Muslims in India would live under the domination of a hostile Hindu Government, he pointed out that the Prophet had migrated from Mecca to establish an Islamic State in Madina and had left behind infirm and old Muslims in Mecca. In the same manner, he pleaded that the thirty million Indian Muslims should not stand in the way of the welfare and

happiness of seventy million Muslims in Pakistan. If Pakistan were not established, the result would be that all the hundred million Muslims would have to live under a Hindu Government.[55] Liaquat himself in a letter addressed to Maulana Zafar Ahmad Osmani acknowledged the great contribution that the *ulama* had made in the Central Legislative Assembly elections and particularly for their support to him in his constituency.[56]

Similarly, the *ulama* rendered great services to the League in the Provincial elections of Sind, the Punjab and the Frontier. Again, how heavily was the League drawing on their support was indicated by their participation in the Sylhet referendum as well as that of the Frontier during June-July, 1947. According to Maulana Zafar Ahmad Osmani, it was Jinnah himself who requested the *ulama* to help the League in these campaigns. Maulana Zafar Ahmad Osmani went to Sylhet and Maulana Shabbir Ahmad Osmani was assigned the Frontier referendum. Both in Sylhet and in the Frontier religion played the most important role. Muslim voters in Sylhet were told that anyone who voted for Sylhet to stay in Assam was an 'unbeliever'.[57] As regards the Frontier, as pointed out earlier, the Muslim League could not have won the referendum without the intervention of the Pir of Manki Sharif and the help accorded to it by the *ulama* like Maulana Shabbir Ahmad Osmani and Maulana Sattar Khan Niazi. The sort of logic that these leaders used was best summarized in one of the speeches of Maulana Abdul Sattar Khan Niazi.

> "We have got two alternatives before us, whether to join or rather accept the slavery of Bania Brahman Raj in Hindustan or join the Muslim fraternity, the federation of Muslim provinces. Every Pathan takes it as an insult for him to prostrate before Hindu Raj and will gladly sit with his brethren in Islam in Pakistan Constituent Assembly. A Pathan is a Muslim first and a Muslim last."[58]

Had the Muslim League undergone a metamorphosis as

compared to the period when Jinnah presented his Fourteen Points as amendments to the Nehru Report in December, 1928? During those days he used to argue in terms of percentages of Muslim seats in the Legislatures, cultural and religious safeguards for the minorities and the retention of separate electorates if Sind and the Frontier were not constituted as separate Provinces. Even as late as 1938, he was taking credit for having "removed the unwholesome influence and fear of a certain section who used to pass off as Maulanas and Moulavis."[59] But the realities of Muslim politics during the years 1945-47 were such that the assistance of *Maulanas* had been deliberately sought. In this way it could be said that the Muslim League had become much more representative of the Muslim people than it had been during the previous decades. But the price it paid for this metamorphosis was that it had become much more of a heterogeneous organization. As long as the crusading spirit was there and the objective still unattained, the landlord and the peasant or the *pir* and the professor or the landlord and the lawyer were willing to work together. The bond of Islam had united them against the fears of Hindu domination. But even during the thick of the battle some people had started asking the fundamental question: What role would Islam play in purifying Muslim society of corruption, social inequality, superstition and ignorance? Islam had been used to fight against the Hindus. Would it be used to fight against the landlords, the *pirs*, and the *Mullahs*? Those who asked such questions were either told that the time was not appropriate or that they had raised them to pursue partisan interests.

## III. Groups and Factions in the League

It has already been suggested that the Muslim League had become a heterogeneous organization drawing its support from different classes and groups but united under one leader with Pakistan as its goal. The sense of unity arising largely from the goal it pursued and the leadership it had was strong enough to keep together classes and groups whose interests in normal circumstances would have been

opposed to one another. First of all, particularly after the Muslim League pledged itself to the goal of Pakistan, there was a feeling of uneasiness, sometimes bordering on resentment, among the leaders of the Muslim majority Provinces that the Muslim League was dominated by leaders from the Muslim minority Provinces. In the Council of the All-India Muslim League for the year 1942, out of a total membership of 503, there were 245 members from the Muslim minority Provinces. Even though Muslims in the Muslim majority Provinces outnumbered those in the Muslim minority Provinces, there were only 258 members from the Muslim majority Provinces in the Council.[60] The balance was even more tilted in favour of the minority Provinces in the far more powerful organ of the League, the Working Committee. During 1945-47 there were only 10 members from the Muslim majority Provinces in a Working Committee of 23 members (including the President and the Secretary.)

It has often been remarked that the Muslim League was dominated by landowners and the titled gentry. Congress leaders like Nehru often labelled the League as a reactionary organization, largely under the influence of Nawabs and Nawabzadas from the Punjab and the United Provinces. The Secretary of the Muslim League was Nawabzada Liaquat Ali Khan, a big landowner from the United Provinces. Nawab Ismail Khan, another big landowner from the United Provinces, was President of the U.P. Provincial Muslim League and also Chairman of the Committee of Action of the All-India Muslim League. Nawab of Mamdot was President of the Punjab Provincial Muslim League. There was also a thin sprinkling of knights in the Muslim League. Sir Muhammad Saadulla was President of the Assam Provincial Muslim League and had also been Premier of Assam several times. Similarly, Sir Abdoola Haroon had been President of the Sind Provincial Muslim League until his death in 1943. In addition, there were several knights who were Muslim League members in the Central Legislative Assembly.

Landlords represented the largest single group in the

Muslim League Council. Out of a total membership of 503 members, there were as many as 163 landlords. Punjab contributed the largest share of 51, followed by the United Provinces and Bengal. Proportionately, Sind's share was the highest in the sense that out of 25 members in the Council, 15 were landlords.[61] Bengal did not have many big landlords like Tiwana, Daultana, Mamdot and Leghari from Punjab or like the Talpurs from Sind.

The next largest group in the Council was that of lawyers who were about 145 in number.[62] Commercial classes like merchants, bankers and industrialists were increasing, but they were far from influential in terms of numbers in the Council. Bombay and Bengal, because of the two commercial centres, Bombay and Calcutta, contributed a substantial share. But a good number of army and government contractors and general merchants were to be found in the Punjab, Delhi and the U.P. groups. It may be pointed out that Jinnah, besides being a Gujarati by origin, had a reputation for complete honesty and was therefore trusted by the prosperous trading Gujarati and Bombay communities like the Memons, the Khojas, and the Bohras. He often addressed meetings of Memon merchants and Chambers of Commerce and they were his principal supporters. A large number of Memon merchants were retailers and they often requested the Muslim League leaders not to publicize their contributions because they were afraid that the Hindu wholesalers would penalize them for their support to the League. The financial contributions of Muslim majority Provinces were not substantial. Even during the elections of 1945-46 substantial sums of money were contributed by the merchants and industrialists of Bombay and Calcutta to the League election campaign in the Muslim majority Provinces.[63]

As the Muslim League leaders, particularly the young intelligentsia, came increasingly in contact with the masses, they were shocked by the poverty and social inequalities that stared them in the face wherever they went in the countryside. They had also been influenced in their universities by socialistic ideas. Out of all this was born that

impatient idealism which one noticed in the annual sessions of the Muslim League, in some of the manifestos that were published during the Provincial elections of 1945-46, and also in the conflicts between progressives and conservatives that smouldered in Provinces like Sind, the Punjab and Bengal. Nawab Bahadur Yar Jung, speaking at the Karachi session in December, 1943, declared that he was a Communist "if Communism means to efface poverty and class distinctions and to provide bread and clothing to the poor." He qualified this remark by saying that he did not draw his inspiration from Karl Marx, who denied the existence of God. He hoped that the Muslim League Planning Committee would produce an economic plan based on Qur'anic justice. Addressing the Quaid-i-Azam, he said, "We have understood Pakistan in this light. If your Pakistan is not such we do not want it."[64] The manifesto of the Punjab Provincial Muslim League declared that there should be nationalization of key industries and banks beginning with immediate nationalization of all public utility services, public control of private industry, a ceiling placed on land holdings, and an equalization of the burden of taxation involving the imposition of additional taxes on large landowners. The manifesto was adopted unanimously by the Working Committee of the Provincial Muslim League and published by an extreme left-wing leader, Danyal Latifi.[65] Similarly, it was reported that Abul Hashim, the young socialist General Secretary of the Bengal Provincial Muslim League, was waging a battle royal inside the Bengal Provincial League against the group led by the Nawab of Dacca and Khwaja Nazimuddin and probably supported by Muslim merchants and industrialists. G. M. Syed, President of the Sind Provincial Muslim League during 1943-45, was also indignant that the Muslim League High Command constantly supported those whom he considered reactionaries like Sir Ghulam Hussain Hidayatullah. He had also seen and been moved by the destitution and squalor in which the *haris* of Sind lived, and his bitter outburst was:

"Do not forget that Islamic society actually in existence

is that in which religious head is an ignorant Mulla, spiritual leader an immoral Pir, political guide a power intoxicated feudal lord and whose helpless members are subjected to all the wordly (sic) forces of money and influence. If the really important question about the abolition of Jagirdari and Zamindari system crops up or the prohibition of intoxicants becomes the issue of the day, what would not a rich Jagirdar or an aristocratic member of a sophisticated club do to use his influence, as also that of the Mulla and the Pir, to resist this threat to what is essentially an immoral and un-Islamic cause?"[66]

Jinnah himself had thundered against the exploitation of the common people by landlords and capitalists. "There are millions and millions of our people who hardly get one meal a day. Is this civilization? Is this the aim of Pakistan? . . .If that is the idea of Pakistan I would not have it."[67] He had encouraged men like Abul Hashim and G. M. Syed to use their crusading spirit for organizing the Muslim masses under the League flag. He had counselled them to be patient and fight their battles inside the League with a view to transforming it. But the realities of Muslim politics forced even a domineering personality like Jinnah to work with the existing powerful social forces like the landowners and the new industrial magnates. Jinnah knew that the Muslim masses were too ignorant to be fully aware of their interests and too content to follow their *pirs* and landlords. The simmering of ideas that the activities and speeches of the fiery young idealists had produced was a phenomenon confined only to the top. It never went below the Provincial Working Committee or the Provincial Council. Thus Jinnah could not afford to antagonize the influential groups only to satisfy the wishes of the angry young men of the League. Referring to the charge that the League was against the *zamindars*, he said in Punjab, "The League is not against any interests among the Muslims."[68]

The Muslim League was sometimes faced with Provincial conflicts. Jinnah's technique was to avoid all controversial issues which might divide Muslims into conflicting

Provincial groups. Thus in the Lucknow session of the Muslim League in 1937 a resolution was brought forward recommending that Urdu should be made the *lingua franca* of Muslim India. In addition to that, the resolution called upon the All-India Muslim League to make Urdu its official language. Bengali delegates were vehemently opposed to the idea of the Muslim League adopting Urdu as its official language. They pointed out that Muslims of Bengal constituted more than a third of the total Muslim population of India and if Urdu were adopted as an official language, it would hamper the propaganda work of the Muslim League among Bengali Muslims. Jinnah, with characteristic political correctness, suggested that he was not in favour of the resolution in its present form. The resolution as adopted read that the annual session only recommended to the All-India Muslim League "to make all efforts possible" to make Urdu the *lingua franca* of the Muslim League.[69] There were other signs which suggested that there might be a likelihood in the future of the Bengali Muslims not getting along with the Urdu-speaking Muslims of other areas. It has already been seen how the phrase 'Independent States' of the Lahore Resolution created confusion and encouraged some of the Bengali Muslim leaders to demand a separate and independent Muslim State of Bengal. There were other examples which indicated that this conflict was smouldering. Speaking on the Calcutta Municipal (Amendment) Bill, 1939, which sought to introduce separate electorates in the Calcutta municipal elections, Abu Husain Sarkar, a Congressman at that time and who later became Chief Minister of East Pakistan during 1955-56, expressed his bitterness as follows:

> "Under the false cry of representing Muslim interest in the Calcutta Corporation, the non-Bengali elements are trying to perpetuate their hold in Calcutta, and that is also in the premier self-governing institution in Bengal. Unfortunately, Sir, the Urdu-speaking non Bengalis, the Iranis, the Suhrawardys, the Siddiquis, the Adamjis and the Currimbhoys,—are in majority in Muslim Calcutta. Most of them are wholesale agents for selling cheap

German, Japanese and Italian goods."[70]

However, all this went unnoticed. The League leaders knew that these differences and debates touched only the upper fringe of the Muslim community. The masses in their devotion to Islam were content to follow the call of the Quaid-i-Azam. As for the Quaid, the need of the hour was unity. He warned that the enemy was at the gate and Muslims should not dissipate their energies in doctrinal differences or Provincial wranglings.

### IV. Muslim League and Parliamentary Government

The Muslim League campaign before 1940 was that Islam was in danger and therefore all Muslims should join the Muslim League which was fighting for the preservation of Muslim religion and culture. After 1940, its campaign was that in Pakistan lay the future glory of Islam and therefore all Muslims should support the demand for Pakistan. In either case, opposition was ruled out as anti-national. Any Muslim who opposed the Muslim League was an enemy of Islam. Thus, the Muslim League Party was not a party in the normal sense of the term. It was a movement which represented the whole nation. And its leader himself declared many times that anyone who acted against the interests of the Muslim League was a quisling or a traitor.

When Jinnah reorganized the Muslim League during 1935-37, he knew that in the struggle for power that was taking place in India, Muslims would not amount to anything unless they organized themselves through a powerful political organization. "If Wardha makes any decision and issues orders to-morrow, millions of Hindus will follow and obey. I ask you, suppose the Muslim League were to issue any order, what would happen to it?"[71] Thus, Jinnah's conception of a political organization was that it was like an army in which once orders were given by the High Command, they should be carried out.

For the Muslim League, parliamentary democracy was not an ideal but only an instrument through which it was trying to achieve its major objective. The Muslim League had come into being prior to most of the Legislatures and

therefore the primary focus of loyalty was not to the Parliament or a parliamentary form of government but to the Muslim League. No matter who stood on the ticket of the Muslim League, "we should support League candidate even though he may be lamp-post."[72]

During the years the League was busy enlisting mass support, it did not have much of a programme but relied heavily on simple slogans. These slogans served their purpose in attracting thousands of Muslims to the League fold. But this intellectual vacuity, combined with the cult of leadership, infected the leaders at the top as well. The result was that particularly whenever they were called upon to assume office, not being united by any concrete programme or ideology, the League leaders soon fell a prey to squabbling and petty intrigues. In addition to this, the majority that the Muslims had in Provincial Assemblies of Bengal and the Punjab was very slender. In Bengal, even though Muslims were 54.6 per cent. of the Provincial population, they had only 47.6 per cent. of the total seats in the Legislative Assembly. In the Punjab, their population was slightly over 55 per cent. but they had only 49 per cent. of the seats in the Legislative Assembly. The result was that the Muslim League by itself could not possibly produce a majority in either of the Assemblies. It had to co-operate with other parties. Since the Muslim League was committed to pursuing primarily Muslim interests, non-Muslim parties or representatives were reluctant to co-operate with it. This explains why the Unionist Party in the Punjab was not willing to merge itself completely in the Muslim League organization. In Bengal, the Muslim League managed to form Governments largely because of the support it received from the Europeans.

In Bengal, though Muslims were in a slight majority, they were extremely backward as compared to the Hindus. In Government offices, professions and trade, they were outnumbered by Hindus. East Bengal, where they were in considerable majority, was the backward hinterland of Calcutta where the Muslim peasants lived under the domination of Hindu landlords, lawyers and merchants. In

many cities of East Bengal, Hindus were in majority. This was the state of affairs when Fazl-ul-Huq assumed office as Premier in 1937, and the conditions had not altered very much when Partition came in 1947.

After the Provincial elections of 1937, Fazl-ul-Huq, the leader of the Proja Party (Peasants), formed a coalition Ministry with the support of the Muslim League, the Scheduled Caste Party, and a small group of Independent or non-Congress caste Hindus. He also received support from the European group. In the Lucknow session of the Muslim League in 1937, he announced, along with the Premiers of the Punjab and Assam, that he would advise all the Muslim members in his coalition Party to join the Muslim League. He asserted that his Ministry was determined to support the Muslim cause and that he and his Government would not remain silent spectators if Muslims in Hindu majority Provinces were persecuted. It may also be recalled that it was Fazl-ul-Huq who moved the Lahore Resolution in March, 1940, in the League session at Lahore. In 1941, he had differences with Jinnah and the League Working Committee over the issue of his joining the National Defence Council. He agreed to resign from the National Defence Council but protested against Muslim League interference in Bengal politics. This brought about differences between himself and his Muslim League colleagues and demonstrations against him in Calcutta. Later, towards the end of 1941, Fazl-ul-Huq joined a new 'Progessive Coalition Party' and refused to join the Muslim League Party in the Legislative Assembly. He was expelled from the Muslim League, but he retaliated by forming a new Ministry with the support of Hindu groups in the Assembly. The Premier, who not too long ago was a champion of Muslim separatism, had now agreed to work with Dr. Shyama Prasad Mookerjee, a Hindu Mahasabha leader of Bengal. This was a great political mistake that Fazl-ul-Huq had made. Even though he was a fiery Bengali orator and an extremely popular figure among the Muslim masses in Bengal, Jinnah turned the full force of Muslim public opinion against him for having co-operated with the

Hindus. The Muslim League won all the seven by-elections that were held after 1938. By 1942, it was clear that Fazl-ul-Huq could not work with his Hindu colleagues and particularly Dr. Shyama Prasad Mookerjee, who was determined to follow a very pro-Hindu course in politics. Fazl-ul-Huq's Ministry continued until the end of March, 1943. In April, 1943, Khwaja Nazimuddin, leader of the Muslim League Parliamentary Party in the Bengal Legislative Assembly, was invited by the Governor to form a Ministry.

Khwaja Nazimuddin was an extremely affable man and completely loyal to the Quaid-i-Azam. It was well known that he was weak, indecisive and depended entirely on the counsels of his shrewd brother, Khwaja Shahabuddin. In 1943, his Ministry was faced with the disastrous Bengal famine. Distribution of food was a trade which was entirely in the hands of Hindus. When war and famine conditions of 1943 disrupted the normal channels of trade, the Provincial Government intervened to control the distribution of food through Government appointed agents. The Muslim League Ministry thought that this was a great opportunity to establish their supporters and other Muslim traders in the lucrative business of distributing food involving a capital of millions of rupees. The Government not only supplied the capital but also met the losses incurred by the traders in the initial stages. Hindu Members in the Assembly accused H. S. Suhrawardy, the Minister for Civil Supplies, of corruption and favouritism towards members of his community. The Ministry was also charged for having extended its patronage to the Ispahani Company. Suhrawardy's defence was that he was perfectly justified in redressing the balance in distributive trade in favour of the Muslim community because even though Muslims were in majority in the Province, Muslim traders had been completely kept out of the distributive trade. The Woodhead Commission, however, pointed out that in an emergency like the Bengal famine, "administrative action should not be delayed by attempts to observe rules fixing communal ratios."[73] However, the result was that the Hindu

traders and professional classes in Bengal had become bitterly opposed to the Nazimuddin Ministry.

In March, 1945, there suddenly occurred an acute cloth shortage in the city. As the prices rose, cloth began to disappear from the shops to reappear again at phenomenal prices from under the counter. The Ministry got alarmed because of the processions and demonstrations organized by the Communist Party in Calcutta. They clamped severe controls on the cloth trade and the result was that the powerful cloth merchants of Calcutta turned against the Ministry. Members started changing sides. At that time the Budget Demands were being considered by the Assembly. On March 29, Demand for Agriculture was rejected by the House by 106 votes to 97. On the day this happened, there was considerable uproar and disorder in the House. When the Speaker put the Demand under Agriculture to vote, Suhrawardy and other Government supporters rushed to the Speaker's table and snatching the Speaker's microphone, tried to address the House. This was followed by the Opposition Members rushing to the Speaker's table to grab the microphone from the hands of the Government Party Members to place it before the Speaker's seat.[74] It may be pointed out that such scenes were re-enacted in the East Pakistan Assembly in September, 1958 with more disastrous results. However, it was clear that it was difficult for the Muslim League Party to keep its majority intact. First of all, the Muslims had only 119 seats in a House of 250. Secondly, Hindus were much better organized and also wealthier than the Muslims. R. G. Casey, who was Governor of Bengal at that time, recording his impressions on the day the Ministry was defeated, wrote: "The result was that there was an uproar in the Assembly; members again started changing sides; those who took a poor view of human nature said that a good deal of money changed hands in the process, and one day in March 1945 the Ministry was defeated, and I found myself without a Ministry and with no prospect of getting another."[75]

Section 93 continued in Bengal until 1946 when Suhrawardy formed a Muslim League Ministry after the

elections. The Muslim League Ministry could hardly do any constructive work. Communal riots broke out in August, 1946, in Calcutta, followed later by riots in Noakhali. In such an atmosphere, the traditions and conventions of parliamentary government could hardly thrive. The Muslim League was engaged in a desperate struggle and it had to cling to power. The Congress and other Hindu groups could hardly think of functioning as a normal opposition in a climate of communal frenzy.

It has been said that the British had climbed to power on the backs of Hindu Bengalis, but had preserved it by organizing the Punjabis to defend the North-West frontiers of India.[76] No book gives a better insight into the workings of politics in the Punjab during pre-Partition times and West Pakistan after Partition than Lepel H. Griffin's *The Panjab Chiefs*. There one can see how the ancestors of the Nawab of Mamdot, Khizr Hyat Khan Tiwana, and Nawab Muzaffar Ali Khan Qizilbash (Minister in Punjab, 1943-47) had all served the British during the Mutiny of 1857 and other wars.[77] The policy of benevolence initiated by Sir Henry Lawrence in the Punjab before the Mutiny and that of firmness initiated by General Nicholson, who died during the Mutiny, paid handsome dividends. Muslim and Sikh landlords and peasantry became solid bulwarks of British power in India. Defence strategy demanded that the Punjab and the Frontier should be insulated from the tides of political agitation. The policy worked admirably in the Punjab, but with only partial success in the Frontier.

How rural was the composition of Muslim membership in the Punjab Legislative Assembly could be seen from the fact that out of 86 Muslim seats, 77 were rural and 9 urban.[78] The Unionist Party was built up entirely as a result of the rural support it acquired, predominantly from Muslims and Sikhs. It has been seen that Sir Fazl-i-Husain succeeded in insulating Punjab politics from the external, communal influence of the Muslim League on the plea that Muslims could never muster a clear majority in the Provincial Assembly without seeking the support of non-Muslim groups. Sir Sikander Hyat tried to follow this

policy, but the gusts of communal politics from outside had become so strong that he could not isolate Punjab and keep the Unionist Party free from communal tension. Thus, even during his Ministry (1937-42), legislation like the three Acts amending the Punjab Alienation of Land Act, 1900, the Registration of Money-Lenders Act and the Relief of Indebtedness Act created the impression that the Ministry was penalizing Hindu money-lenders. Other legislative measures like a tax on urban immovable property, restriction of urban rents and a general sales tax were also interpreted by the Congress and other Hindu groups that they had been specifically designed to hurt Hindu urban interests.

After Sir Sikander Hyat's death in December, 1942, Khizr Hyat became the Chief Minister. In 1944, Jinnah demanded from Khizr Hyat Khan that the Muslim League members of the Unionist Party should owe allegiance to the Muslim League and to no other party. Jinnah also wanted that the name of the Unionist Party should be changed to the Muslim League Coalition Party. Khizr Hyat refused to accept these proposals and reminded Jinnah of the Jinnah-Sikander Pact, according to which the Muslim League was not to interfere in the internal politics of the Punjab on the understanding that Sikander Hyat and his Muslim Ministers would follow the policy of the Muslim League in All-India matters. Jinnah denied the existence of such a Pact. It was obvious that the Muslim League was trying to mobilize Muslim support in the Punjab because they knew that without such support the demand for Pakistan would have no firm basis. There was a final breakdown in Jinnah-Khizr negotiations in April, 1944. In the Provincial elections of 1945-46, the Muslim League captured 75 out of 86 Muslim seats. The Unionist Party had lost the confidence of an overwhelming majority of Muslims. Even though the Muslim League was the largest party in the Assembly, it could not form a Ministry because the Sikhs and Hindus would not co-operate with it. Khizr Hyat formed a Ministry with the co-operation of the Congress and the Sikhs. In March, 1947, he had to resign because of the

Muslim League civil disobedience campaign against his Ministry which had paralyzed the administration. The Muslim League campaign was organized primarily to show that no Ministry could function in the Punjab without their co-operation. The Muslim League would rather have Section 93 in the Province than to accept Khizr Hyat as the Chief Minister.

Thus, when Pakistan came into being in August, 1947, there was only one Minister in the newly constituted West Punjab Ministry who could claim to have had some experience with Provincial administration. This was Shaukat Hyat Khan who had been a Minister under Khizr Hyat but who had been dismissed in 1945 on charges of corruption and mal-administration. The Chief Minister, Iftikhar Husain Khan of Mamdot, had been President of the Punjab Provincial Muslim League but had had no adminstrative experience. Even in matters like the organization of the Party, his experience was extremely limited. As President of the Punjab Provincial Muslim League, he had organized the campaign against Khizr Hyat's Ministry, but he could not draw on this sort of experience to tackle matters of administration and parliamentary government. Later, it was disclosed that he and other members of the Working Committee of the Punjab Provincial Muslim League had been busy in October, 1946, in purchasing and collecting arms and ammunition for the forthcoming communal riots.[79] It was true that this had happened on both sides. But the fact remained that traditions and conventions of parliamentary government could not be reared on these foundations.

Sind provided the spectacle of a steady see-saw for political power between the big landlords of Sind. Between 1937 and 1942, there were as many as five Ministerial changes. It was like a game of musical chairs in which some landlords won and some lost. There were no differences between the contestants. Ghulam Hussain Hidayatullah, a wealthy lawyer and a landowner, was practically in every Ministry until October, 1942, after which date he was the Chief Minister of Sind until Partition. Allah Bukhsh and

Bandeh Ali Khan Talpur, who were the other two contestants, were both large landowners. Only in 1946 could the League claim that it had secured a firm stronghold in Sind. But the subsequent story of intrigues and instability, accompanied by mounting corruption, was a repetition of what had happened before.

In the North-West Frontier, the Muslim League had never been able to form a stable Ministry. A Congress Ministry under Khan Sahib was in power even when Pakistan came into being. For the first time a League Ministry was formed by Sardar Aurangzib Khan in May, 1943. This was entirely because a number of Congress members were in jail. In 1945, when they were released, Khan Sahib was back in power. During the elections of 1945-46, the Muslim League again failed to produce a majority in the Legislative Assembly. It was only from 1946 that the tide of public opinion turned in favour of the League.

Speaking in the Karachi session of the Muslim League in December, 1943, when the Muslim League could claim to be in power in the North-West Frontier Province, in Sind, in the Punjab and in Bengal, Jinnah said: "This is only a part, which will make a contribution to the whole of our organisational field. . . Well, we are trying the experiment. Let us see what emerges from this laboratory."[80] It was clear that not very sound political or administrative material had emerged from this laboratory. Pakistan started in August, 1947, with great hopes but with very poor raw material in terms of political leaders and administrators.[81]

FOOTNOTES

1. Jamil-ud-Din Ahmad (ed.), *Speeches and Writings of Mr. Jinnah*, Vol. I (Lahore: Ashraf, 1960), p. 132. This statement is from a speech made in 1940 in which Jinnah urged Muslims to strengthen the Muslim League organization and pointed out that it was only after Muslims were well organized that he would give them marching orders. This meant that he attached great importance to the organization of the Muslim League.
2. R. Palme Dutt, *India today and tomorrow* (London: Lawrence and Wishart, 1955), p. 234.
3. *Annual Report of the All India Muslim League for the Years* 1932

*and* 1933 (Delhi: n.d.), p. 10.

4. *The Hindustan Times* (Delhi), December 30, 1931.
5. *Ibid.* Also *Annual Report of the All India Muslim League, op. cit.*
6. Azim Husain, *Fazl-i-Husain* (Bombay: Longmans, 1946), p. 309.
7. *Ibid.* p. 312. The Aga Khan wrote to Fazl-i-Husain, "My agents have sent you the first part of my grant (i.e. Rs. 10,000) due to my horse *Mahmud* winning the Derby, otherwise I should not have been able financially to so help you." *Ibid.* p. 312.
8. *The Indian Annual Register* 1938, Vol. I (Calcutta), p. 382.
9. R. Palme Dutt, *op. cit.*, p. 235.
10. *Ibid.*, p. 234.
11. The 4.5 million votes cast for the Muslim League do not indicate the total number of votes that might have been cast in favour of the League if the 40 uncontested seats had been contested. See the table of these election results in *The Indian Annual Register* 1946, Vol. I (Calcutta).
12. *Annual Report of the All India Muslim League for the Year* 1931 (Delhi: n.d.), p. 1.
13. Chaudhri Khaliquzzaman to the author in an interview in Karachi on June 3, 1960.
14. *The Indian Annual Register* 1938, Vol. I, *op. cit.*, p. 384.
15. Jamil-ud-Din Ahmad (ed.), Vol. I, *op. cit.*, p. 469.
16. The annual subscription of the Muslim League for primary members was two annas.
17. Zakir Husain Faruqi, *Muslim League* Kiyyun? (why) (Bombay: Maktaba-i-Sultani, 1947), pp. 230-231.
18. Fazl-ul-Huq in a speech to the Sind Muslim League Conference in Karachi, 1938. *The Indian Annual Register* 1938, Vol. II (Calcutta), p. 355.
19. Jamil-ud-Din Ahmad (ed.) *Some Recent Speeches and Writings of Mr. Jinnah,* Vol. II (Lahore: Ashraf, 1947), p. 393.
20. *Ibid.* p. 446.
21. R. Coupland, *The Indian Problem*, Part II (New York: Oxford, 1944), pp. 120-125.
22. *Ibid.* pp. 91-93.
23. Jamil-ud-Din Ahmad (ed.), Vol. I, *op. cit.*, pp. 132-133.
24. *Dawn* (Delhi), August 18, 1947.
25. *Resolutions of the All India Muslim League from March* 1941 *to April* 1942 (Delhi: All India Muslim League, n.d.), pp. 1-2.
26. *The Statesman* (Weekly Overseas Edition) (Calcutta), September 18, 1941.
27. Memons, Khojas and Bohras are Muslim traders whose communities are concentrated in Gujarat, Bombay, Cutch and Kathiawar. Jinnah's father was a Khoja merchant from Karachi.
28. This article was first inserted in the Constitution of 1944. *The Constitution and Rules of the All India Muslim League* (Delhi),

p. 17. The Constitution of 1944 was identically similar to the Constitution of 1946.

29. R. G. Casey, *An Australian in India* (London: Hollis & Carter, 1947), pp. 64-65.
30. Jamil-ud-Din Ahmad (ed.), Vol. I, *op. cit.*, p. 555.
31. *Resolutions of the All India Muslim League from May* 1943 *to December* 1943 (Delhi: All India Muslim League, n.d.).
32. *The Constitution and Rules of the Bombay Provincial Muslim League, Bombay* (Bombay: Aziz Gafur Kazi, 1944), Article 58, p. 18.
33. *Resolutions of the All India Muslim League from January* 1944 *to December* 1946 (Delhi: All India Muslim League, n.d.), p. 43.
34. *Rules and Regulations of the Muslim League Central and Provincial Parliamentary Boards* (Delhi: All India Muslim League, n.d.), pp. 1-5 & 16-17.
35. G. M. Sayed, *Struggle for New Sind* (Karachi: 1949), pp. 131-136.
36. *The Indian Annual Register* 1945, Vol. I (Calcutta), p. 204.
37. G. M. Sayed *op. cit.*, p. 92.
38. *The Indian Annual Register* 1942, Vol. I (Calcutta), pp. 320-321.
39. Alan Campbell-Johnson, *Mission With Mountbatten* (London: Robert Hale, 1952), pp. 102-103.
40. *The Constitution and Rules of the Bombay Provincial Muslim League*, *op. cit.* See Articles 63, 43, and 31.
41. See *Resolutions of the All India Muslim League from April* 1942 *to May* 1943 (Delhi: All India Muslim League, n.d.), pp. 23-24 and 27-28.
42. *The Constituent Assembly of Pakistan Debates*, Vol. V, 1949, p. 46.
43. Jamil-ud-Din Ahmad (ed.), Vol. II, *op. cit.*, pp. 440, 441 and 444.
44. Cited in Munshi Abdur Rahman Khan, *Tamir-i-Pakistan aur Ulama-i-Rabbani* (Multan: Idarah Nashar Al-Maarif, 1956), p. 122.
45. Cited in Maulana Shabbir Ahmad Osmani, *Khutbat-i-Osmani* (Lahore: n.d.), p. 48. Jinnah was also attacked on the charge that he had amended radically the *Shariat* Bill brought before the Legislative Assembly. Maulana Sayyid Husain Ahmad Madani, *Khutba-i-Sadarat Fourteenth Annual Session of the Jamiyat al Ulama-i-Hind* (Delhi: 1945), p. 46-47. It may be pointed out that the charge that Jinnah took a stand against the *Shariat* Bill or altered its spirit by his amendment was not true. Jinnah pointed out that the Bill could not abolish the existing law and therefore should be designed specifically to remove those usages and customs which had crept into Muslim society, which had acquired the force of law and which were being enforced by the courts. Even though it might seem that his amendment restricted the scope of the Bill, yet it covered a wide field. *The Legislative Assembly Debates*, Vol. V, 1937 (Delhi), pp. 1831-1833 and 1842.
46. Jamil-ud-Din Ahmad, *Glimpses of Quaid-i-Azam* (Karachi: 1960), pp. 20-22.

47. Ghulam Muhammad, *Quaid-i-Millat* (Hyderabad, Daccan: Nafis Academy, 1947), p. 122.
48. For extracts from his original Urdu speeches, see *ibid.*, pp. 220-227.
49. *It Shall Never Happen Again* (Delhi: All India Muslim League, 1946), p. 3.
50. *The Indian Annual Register* 1941, Vol. I (Calcutta), pp. 127-128.
51. M. L. Darling, *Rusticus Loquitur* (London: Oxford, 1930), p. 214.
52. *Report of the Court of Inquiry Constituted Under Punjab Act II of* 1954 *to Enquire into the Punjab Disturbances of* 1953 (Lahore: 1954), p. 255.
53. *Ibid.*
54. Shabbir Ahmad Osmani, *op. cit.* See his Presidential Address at the Muslim League Conference at Meerut, p. 11.
55. *Ibid.* See Part I, pp. 46-47. Muslim League leaders often assumed that the total population of Muslims in India was 100 million when according to the 1941 census it was only 94.4 million. In 1944-45, with the net population increase, it might have reached the figure of 97.5 million.
56. Munshi Abdur Rahman Khan, *op. cit.*, pp. 134-135.
57. Sir Francis Tuker, *While Memory Serves* (London: Cassell, 1950), p. 345.
58. *Dawn* (Delhi), July 2, 1947, p. 8.
59. *The Indian Annual Register* 1938, Vol. I, *op. cit.*, p. 382.
60. *List of the Members of the Council of the All India Muslim League* 1942 (Delhi: n.d.). The figures have been worked out from this list.
61. *Ibid.* One can only be approximately correct in these figures because the particulars regarding the profession of each Councillor are not given in every case. Therefore, the author had to draw on the information given to him by former office-bearers and members of the Working Committee of the All-India Muslim League.
62. *Ibid.* A few of the Councillors who had legal qualifications and are therefore listed as lawyers, were not practising lawyers. Again these figures are approximately correct.
63. According to information made available to the author, the total funds collected by the League were about Rs. 6.7 million of which 3.6 million were for the Bihar Relief Fund, 2.4 for the Election Fund and Rs. 700,000 for the Muslim League Fund.
64. Abdul Hamid (ed.), *Thirty first Session of the All India Muslim League (Karachi) December* 1943 (Lahore: The Eastern Times Book Depot, 1944), p. 111.
65. *Manifesto of the Punjab Provincial Muslim League* 1944 (Delhi: Danyal Latifi), pp. 13-14, 19 and 24.
66. G. M. Sayed, *op. cit.*, p. 216.
67. Jamil-ud-Din Ahmad (ed.), Vol. I, *op. cit.*, p. 507.
68. Jamil-ud-Din Ahmad, Vol. II, *op. cit.*, pp. 114-115.

69. *The Pioneer* (Lucknow), October 17, 1937.
70. *Bengal Legislative Assembly Proceedings*, Vol. LIV, Fifth session, 1939, pp. 29-30.
71. Jamil-ud-Din Ahmad (ed.), Vol. I, *op. cit.*, p. 44.
72. Jamil-ud-Din Ahmad (ed.), Vol. II, *op. cit.*, p. 448.
73. Cited in *The Indian Annual Register* 1944, Vol. II (Calcutta), p. 42.
74. *The Indian Annual Register* 1945, Vol. I (Calcutta), pp. 196-199.
75. R. G. Casey, *op. cit.*, p. 22.
76. Sir Walter R. Lawrence, *The India We Serve* (London: 1928), pp. 264-265.
77. Lepel F. Griffin, *The Panjab Chiefs* (Lahore: T. C. McCarthy, 1865). See pp. 57, 116, 534 and 567.
78. *The Punjab Legislative Assembly Debates*, Vol. I, 1937, pp. 1-6.
79. *Dawn* (Karachi), October 22, 1949.
80. Jamil-ud-Din Ahmad (ed.), Vol. I, *op. cit.*, pp. 573-574.
81. For the number of Civil and Army Officers that Pakistan inherited from the Government of India, see Appendix I.

# Part Two

## Powers of the Quaid-i-Azam as Governor-General of Pakistan

"Our freedom is the reward of the services and efforts of a single man, and that you know is our most beloved Quaid-i-Azam."

*Liaquat Ali Khan*

(At a public meeting in Rawalpindi on January 17, 1948.)

"No succeeding Governor-General can quite fill his place, for as the 'father of the nation' his prerogatives were enlarged by popular acclaim far beyond the limits laid down in the Constitution."

(*The Times*, September 13, 1948).

# VII

## JINNAH'S APPOINTMENT AS GOVERNOR-GENERAL OF PAKISTAN

### I. Circumstances Leading to Jinnah's Appointment as Governor-General

There is no clear written evidence as to when it was decided among Muslim League circles that Jinnah's name should be suggested to His Majesty's Government for appointment as Governor-General of Pakistan. The Congress had proposed Lord Mountbatten's name as joint Governor-General of both Dominions. Many people thought that the Muslim League also had in mind a common Governor-General. It looks as if Mountbatten was under the same impression. Campbell-Johnson, who was at the time Mountbatten's Press Attache, has written in his book, *Mission With Mountbatten,* that only when Mountbatten was in London "did it become apparent that Jinnah wanted three Governors-General, one of India, one of Pakistan, and one, Mountbatten himself, in an overall position as Supreme Arbitrator for the division of assets, most of which, of course, are in India."[1] The British Government did not accept this proposal. Perhaps they found the constitutional difficulties much too formidable.

It looks as if in the beginning Jinnah had not made up his mind as to whether Mountbatten should be the joint Governor-General of India and Pakistan, or should he put forward his own name for the office of Governor-

General of Pakistan. Addressing the Council of the All-India Muslim League on June 9, 1947 at New Delhi, Jinnah was reported to have said: "I have done my job. When the Field Marshal leads his army into victory, it is for the civil authority to take over."[2] Two conclusions may be drawn from this: (a) Jinnah was thinking of retiring altogether. There were even rumours that he would stay in India to fight for the rights of Muslims in India. His health had broken down quite a few times. For one month during February, 1947, he had endured a nervous breakdown at Malir where he was not allowed even to listen to the news on the radio.[3] (b) Because of his declining health he was thinking of handing over all powers to his Prime Minister, Liaquat Ali Khan, and he himself remaining in the background as Governor-General to exercise overall control. *Dawn* had reconciled itself to the fact that there would be a common Governor-General "to tide over the initial period when there will have to be continuing adjustments between the affairs of the two countries." But it made it clear, "We trust that the leaders of Pakistan will not agree to the continuance of this temporary makeshift beyond the period of absolute practical necessity."[4]

It is obvious that Jinnah must have carefully weighed all the aspects of the problem before he finally decided to accept the position of Governor-General of Pakistan.[5] If Mountbatten were to become common Governor-General of both Dominions and remain in Delhi in contact with Nehru's government, he would be unduly exposed to exclusive Congress influence. If he moved to and fro between Delhi and Karachi, his official duties would suffer from the waste of time and energy. Then there was the overriding consideration that if there were a joint Governor-General, an impression would be created abroad that the Indian sub-continent still somehow retained its oneness. "Such impression would have been fatal to the dignity and prestige of Pakistan."[6] On June 29 in an article in *The Sunday Times* the New Delhi correspondent reported that an authoritative Muslim League spokesman said in an interview to him that once the division of India were

complete, Pakistan would on no account accept a common Governor-General with India, "in order to avoid the remotest suggestion that the two countries have anything in common."

Neither did Jinnah relish the idea of advising Mountbatten as his Prime Minister of Pakistan. First of all, there is fairly convincing evidence to show that the two did not altogether like each other. Jinnah met Mountbatten for the first time on April 5, 1947. Mountbatten's reaction to this first meeting was: "My God, he was cold. It took most of the interview to unfreeze him."[7] Jinnah must have also brooded over the problems of Kashmir and the North-West Frontier Province. Perhaps he knew Mountbatten's mind enough not to expect any help from him so far as Kashmir was concerned. Similarly, "Kabul radio continued to support the Congress-sponsored move for the establishment of Pathanistan in the North-West Frontier Province."[8] Jinnah must have thought that a joint Governor-General might not be able to tackle these problems in the best interests of Pakistan. Ian Stephens, writing about his meeting with the Mountbattens when the Kashmir conflict between the two Dominions was at its worst, said that he was "startled by their one-sided verdicts on affairs." They seemed to have "become wholly pro-Hindu."[9] One gathers the impression also in Campbell-Johnson's *Mission With Mountbatten* that the Muslim League circles from the very beginning suspected Lord Mountbatten of pro-Hindu leanings. Sir Francis Tuker also wrote:

> "Judging by the glowing tributes that the Hindu press was paying to the efficiency, versatility and integrity of the Viceroy, ascribing to him most of the credit for the speed at which India and Pakistan were to attain to dominionhood and later crediting him with bringing erring Travancore into the fold, it seemed that Lord Louis Mountbatten had won a warm place in the hearts of political Hindustan, however chilly might be his niche in Pakistan."[10]

John Connell, the biographer of Field-Marshal

Auchinleck, has also recorded that "long before Partition he (Mountbatten) had lost the trust of Jinnah and the Muslim League."[11] In spite of all this, there are many Pakistanis who still doubt the wisdom of Jinnah in refusing to accept Mountbatten as the common Governor-General of both Dominions. They rest their case on the plea that had this happened, Mountbatten would have been in a much stronger position to persuade and pressure India to adopt a more just and reasonable attitude towards Pakistan, particularly on the matter of division of assets of the former Government of India. They also suggest that had Mountbatten been a common Governor-General, he would have been in a better position to maintain law and order in the two Punjabs and thus saved thousands of Muslims from losing their lives in the civil war. But the evidence so far offered in this book seems to suggest that there was no firm basis for such optimism. Indians and Pakistanis were in such a state of communal frenzy that no arbitrator, however impartial he might be, could have maintained the even balance of justice between the two States. This was borne out by the accusations that the Indian Government levelled at Auchinleck as the Supreme Commander in charge of partition of the Armed Forces and military stores. Mountbatten himself, writing to Auchinleck in September, 1947, admitted: "One of the most balanced and level-headed Ministers complained recently that you seemed to regard yourself as the champion of Pakistan's interests; such is the reward of strict impartiality!"[12]

Auchinleck also wrote in a note that he sent to the British Prime Minister that the Indian Government was determined to "prevent Pakistan receiving her just share, or indeed anything of the large stocks of reserve arms, equipment, stores, etc. held in the arsenals and depots in India."[13] Mountbatten in a letter to Auchinleck regretfully admitted that he was powerless to prevent the Indian Government demanding in the Joint Defence Council (of which Mountbatten was the Chairman) the removal of Auchinleck and the winding up of the Supreme Headquarters.[14] All this once again goes to show that in such an atmosphere

Mountbatten, even if he had been trusted by the League, probably would not have been allowed to function as an impartial arbitrator. He enjoyed enormous prestige and popularity in India and yet he could not enable Auchinleck to discharge the task entrusted to him in an impartial manner. It is difficult to see how Mountbatten could have functioned in a more effective manner had he been made a common Governor-General of both India and Pakistan.

Perhaps equally important was Jinnah's own position and prestige. He was not merely a party leader in the Western sense of the term. He was the Quaid-i-Azam—the Great Leader of a national movement. And now that he had won Pakistan within the incredible period of seven years, he had achieved something which no other Muslim leader had even dreamt of. Muslims, specially in Northern India, regarded him as a successor of great Moghul Emperors, Emperors like Babur and Aurangzib. Indeed, soon after the announcement of the Partition scheme on June 3, 1947, he was hailed in New Delhi by Muslims as the Emperor of Pakistan. *Dawn* wrote a few years after his death: "The populace had already begun to greet the Quaid-i-Azam as 'Shahinshah-e-Pakistan'. Had he so desired, 80 million willing hands would have rejoiced to put a Crown upon his head."[15] Jinnah admonished his admirers not to call him Emperor. He could not conceive of becoming a Prime Minister either. In accordance with his own temperament and the tenor of the times, he agreed to his name being put forward for the position of Governor-General of Pakistan.

It is also conceivable that a large number of Jinnah's own followers urged him to be at the helm of affairs because the position of the Muslim League was far from strong in places like the North-West Frontier Province and Kashmir; and even in Provinces like Sind and West Punjab there were serious rifts and rivalries between League leaders themselves. In fine, his tremendous prestige and leadership were needed to consolidate Pakistan in its initial stages. *The Round Table* wrote:

"Mr. Jinnah said at the meeting of the Council of the League on June 9, when the plan was accepted, that he

had 'done his job'. It is not surprising that they refused to part readily with one who, though aging and lately ill, surpasses them and, possibly everybody else in India, in practical political intelligence. From their point of view his recommendation as Governor-General of Pakistan may be readily understood—though Mr. Gandhi thinks that a different decision was taken earlier, perhaps before the N-W.F.P. problem was presented in a new form and Lord Mountbatten visited Kashmir."[16]

Jinnah did anticipate difficulties in the matter of division of assets. That was why he had come forward with the highly ingenious proposal that Mountbatten should be appointed as Supreme Governor-General, in addition to and over the two Governors-General of India and Pakistan. This would have created as many problems as it was designed to solve. If a neutral and Supreme Governor-General disagreed with one of the two, the latter could always appeal to the British Government for arbitration. And this would place the British Government in an embarrassing position. Secondly, a neutral Governor-General would certainly have to live within his own self-made enclave of neutral territory. Perhaps because of these formidable difficulties, Jinnah's proposal was not regarded as practicable in Whitehall.

## II. Constitutional Implications of Jinnah's Appointment as Governor-General

The fact that an active politician had been appointed as Governor-General of Pakistan caused considerable concern among many circles in England. Campbell-Johnson, giving a *resume* of his editorial interviews in London to Mountbatten, wrote:

"Lord Layton said that in his view Jinnah's decision would be widely regarded as a selfish and ambitious act, and that it would involve a marking down here with the British Press of his reputation, which was at its peak during his visit to England in December last."[17]

It was also pointed out that Jinnah was not eminently suitable for this post because of his known autocratic ways.

Thus, *The Economist* commented:

"The constitutional theory of a Governor-General in a Dominion is that he represents the King and bears the same relation to the Ministers forming the Government as the King does to his Ministers in the United Kingdom. It is recognised that the rights of a Dominion include the right of recommending a person for appointment as Governor-General. But that the Governor-Generalship should be held by an active party politician who frankly states his intention of continuing his political leadership after assuming the office, is an innovation which radically alters the nature of the Dominion bond. The development is the more serious because Mr. Jinnah's rule gives promise of being a very thinly veiled dictatorship. His motive in demanding the office of the Governor-General is no doubt to obtain the position which belongs to it in the eyes of the Indian masses. The Viceroy as Governor-General has been hitherto, even though to a restricted degree in recent years, the supreme executive ruler and his Ministers have been simply the members of his Executive Council. By force of mental habit the man in the street will continue to think of the Governor-General as being more important than his Prime Minister."[18]

As shown before, it is difficult to see how Jinnah could have put forward any name other than his own for Governor-Generalship. *The Times* appreciated his difficulties when it said: "Yet those who will be called to rule Pakistan may hold that the relatively undeveloped qualities that make up much of its territory must be guided by a Governor-General capable of exercising the functions of higher control and coordination which formerly vested in a Canning or a Curzon."[19]

The Congress circles were indignant for they suspected that Jinnah, as usual, had tried to put them in a highly embarrassing position for Jinnah had gone a step further than the framers of the 'Quit India' Resolution in asking for an indigenous Governor-General. He was accused of a breach of faith on the score that it had been agreed by both parties that for the transitional period Mountbatten

should be Governor-General of both Dominions. Jinnah denied these charges vehemently in his first press conference on July 3, 1947 after it had been announced on July 10, 1947 that he was to become Governor-General of Pakistan. "These reports are entirely devoid of any truth and I am surprised that even responsible men have been misrepresenting me and making false allegations against the League and myself."[20]

In the same press conference he also put forward his own theory of Governor-Generalship. Since the Governors-General were nominated by the successor authorities, namely, the Congress and the League, "the Governors-General are the chosen of the people and not, as it is ordinarily understood, appointed by the King. . ."[21] Rather a startling statement from a constitutional purist like Jinnah! When he was asked whether it was not a fact that the Governor-General held office during His Majesty's pleasure, Jinnah replied. "It is purely a form, nothing but a form. The Governors-General are the chosen of the people and that is the reason why I have accepted this honour."[22]

League leaders were jubilant when it was announced that Jinnah would become the Governor-General. Liaquat Ali Khan called it "the natural consummation of our struggle for liberty under his leadership."[23] Abdur Rab Nishtar, Communications Member, Interim Government, was of the view that "it is in the fitness of things that the chief head of Pakistan—essentially a Muslim state—should be one who commands the implicit confidence of a hundred million Muslims. It is important that the Centre should have the guidance of such a personality always available. Mr. Jinnah is the architect of the state and the best possible man to look after it. *Now everything will be all right.*"[24] (author's emphasis) *Dawn* compared Jinnah's position with that of a dictator like Kemal Ataturk:

"Kemal, too, founded for his people a new virile state—but out of the already existing remains of a crumbled Empire, and by different means—and he too had to take

upon himself the task of building it up. The Quaid-i-Azam's strategy, unique and unparalleled, has enabled him to carve out Pakistan for his own nation and his task henceforth as head of the state will be largely like that of the 'Father of Turks.' *Whatever the constitutional powers of the Governor-General of a Dominion may nominally be, in Quaid-i-Azam's case no legal or formal limitations can apply.* (author's emphasis) His people will not be content to have him as merely the titular head of the government, they would wish him to be their friend, philosopher, guide and ruler, irrespective of what the constitution of a Dominion of the British Commonwealth may contain."[25]

Again, soon after the dawn of independence, *Dawn* wrote: "The fact that Quaid-i-Azam will be at the head and personally direct the operations of civil administration is ample guarantee that even out of the limited resources available an edifice will be reared which will put to shame those who had attempted to prevent its smooth and ordered creation."[26]

Thus, there was a striking contrast between opinions expressed by constitutional pundits in England and those held by League leaders and *Dawn*. The constitutional pundits were alarmed that such a powerful and autocratic politician had nominated himself as Governor-General. In the opinion of the author, Pakistan at that time needed its founder as its Governor-General. It was not correct to compare Jinnah's position and his powers with those of his contemporary Governors-General in other Dominions. Apart from other differences, it was not possible that responsible government in Pakistan would start from the same stage that it had already reached in Canada or Australia by 1947. These Dominions also had the good fortune of having powerful Governors-General in their formative period. Lord Elgin (1847-1854) in Canada is an obvious example. Lord Dufferin as late as 1872-1878 enjoyed considerable powers. In seconding the address of farewell to Lord Dufferin in the House of Commons, Sir John A. Macdonald declared:

"Like the hon. the First Minister, I would say that the office of Governor-General is not a mere formal office. It is one of great power. It is one of great dignity. It is one of the greatest responsibility, and the Governor-General is a person elevated, like the Sovereign, far above the shifting party politics of the day. He is at the helm of State. He guides, advises, warns and counsels, and he—while others absorbed in party politics, may forget for the moment the interests of the country—has only one object before him, and that is the common interests of all."[27]

FOOTNOTES

1. Alan Campbell-Johnson, *Mission With Mountbatten* (London: Robert Hale, 1952), p. 115.
2. Editorial, "Freedom and After," *Dawn* (Delhi), August 18, 1947, p. 4.
3. Hector Bolitho, *Jinnah—Creator of Pakistan* (London: John Murray, 1954), p. 174.
4. Editorial, "Divide and Quit Bill", *Dawn* (Delhi), July 7, 1947, p. 4.
5. According to Campbell-Johnson, *op. cit.*, on July 2, 1947, Mr. Jinnah "came clean" and Jinnah's verdict went in favour of Jinnah, p. 127.
6. Editorial, "From Founder to Builder", *Dawn* (Delhi), July 13, 1947, p. 4.
7. Campbell-Johnson, *op. cit.*, p. 56.
8. Sir Francis Tuker, *While Memory Serves* (London: Cassell, 1950), p. 36.
9. Ian Stephens, *Horned Moon* (London: Chatto & Windus, 1950), p. 109.
10. Sir Francis Tuker, *op. cit.*, pp. 358-359.
11. John Connell, *Auchinleck* (London: Cassell, 1959), p. 913.
12. *Ibid.*, p. 916.
13. Quoted in *ibid.*, pp. 920-921.
14. *Ibid.*, p. 913.
15. Editorial, "Homage", *Dawn* (Karachi), September 11, 1950, p. 5.
16. *The Round Table*, 1946-47, Vol. XXXVI, p. 372.
17. *Campbell-Johnson, op. cit.*, p. 133.
18. Article, "Is It Well With India?", *The Economist*, July 19, 1947, pp. 93-94.
19. Editorial, "Indian Independence", *The Times* (London), July 11, 1947, p. 5.
20. *Dawn* (Delhi), July 15, 1947, pp. 1 and 3.
21. *Ibid.*
22. *Ibid.*

23. *Ibid.*, July 14, 1947, p. 1.
24. *Ibid.*, July 12, 1947, p. 1.
25. Editorial, "From Founder to Builder," *Dawn* (Delhi), July 13, 1947, p. 4.
26. Editorial, "Freedom and After", *Dawn* (Delhi), August 18, 1947, p. 4.
27. *Debates House of Commons, Dominion of Canada,* Session 1878, Vol. II, p. 1875.

# VIII

## CONSTITUTIONAL AND POLITICAL POWERS OF THE GOVERNOR-GENERAL

### I. Constitutional Powers of the Governor-General

Section II of Mohammad Ali Jinnah's Commission defined his powers as Governor-General of Pakistan as follows:

> "And We do hereby authorise, empower and command you to exercise and perform all and singular the powers and duties conferred and imposed upon Our Governor-General of Pakistan by and under provisions of the Act passed in this the tenth and eleventh year of Our Reign intituled the Indian Independence Act 1947."[1]

As the Commission said that the powers of the Governor-General of Pakistan were to be exercised according to the provisions of the Indian Independence Act, 1947, one must look for the powers of the Governor-General in that Act. Section 9 of the Indian Independence Act, 1947, dealt with the powers of the Governor-General. Thus, Clause (c) of Sub-Section (1) of Section 9 laid it down clearly that the Governor-General was authorized to make such provisions as appeared to him to be necessary or expedient "for making omissions from, additions to, and adaptations and modifications of, the Government of India Act, 1935, and the Orders-in-Council, rules and other instruments made thereunder, in their application to the separate new Dominions." Lord Mountbatten, the Governor-General of undivided India,

exercised these powers of adapting the Government of India Act, 1935, before "the appointed day," that is, August 15, 1947. But after that date, the Governor-General of Pakistan was empowered to exercise these powers until March 31, 1948 according to Sub-Section (5) of Section 9. The latter date was extended by a year by Section 2 of the Indian Independence (Amendment) Act, 1947.

Sub-Section (2) of Section 8 of the Indian Independence Act, 1947, stated clearly that each of the new Dominions and all Provinces and other parts thereof would be governed by the Government of India Act, 1935, as adapted in each Dominion by its respective Governor-General. Sub-Section (3) of Section 8 stated that the Government of India Act, 1935, as adapted, could limit the power of the Legislature unless a law made by the Constituent Assembly of that Dominion set aside such provisions of the adapted Act which limited the powers of the Legislature. Section 8 also limited the powers of the Governor-General and the Governor of a Province in the sense that these two authorities could no longer act in their discretion or exercise their individual judgment regarding any matter after the appointed day.[2]

Thus, in the second-reading debate on the Indian Independence Bill on July 10, 1947, Attlee pointed out that, unlike the Government of India Act, 1935, which granted discretionary executive powers to the Governor-General and the Governors, the proviso in Section 8 of the new Bill placed these executive authorities in the same position as Dominion Governors-General, that is to say, they would act only on the advice of their Ministers.[3] But since the Governors-General were empowered to adapt the Government of India Act, 1935, as they deemed necessary or expedient, according to Section 9 of the Indian Independence Bill, Attlee in the same debate had to admit that the powers given to the Governors-General to bring the Act into operation were extremely wide.[4]

This meant that the powers of the Governor-General would depend upon the manner in which the Government of India Act, 1935, was adapted. It was clear that the

Governor-General of Pakistan had already lost those powers of the Governor-General which he exercised "in his discretion" or in his "individual judgment," according to the Government of India Act, 1935. Thus, any adaptation order made under Section 9 of the Independence Act had to take account of these limitations. Jinnah's authority as Governor-General came into being on August 15, 1947. It was considered desirable that adaptations of the Government of India Act, 1935, should be made before August 15, 1947, so that Jinnah might have a constitution ready soon after he assumed office. The only person who could make such adaptations before August 14, 1947 was Mountbatten. The order which Mountbatten issued on August 14, 1947 and which dealt with the powers of the Governor-General of Pakistan was the Governor-General's Order No. 22 called the Pakistan (Provisional Constitution) Order, 1947. This was drafted on the advice of the Provisional Government of Pakistan. Presumably, Jinnah had a decisive voice in the sort of advice that the Provisional Government tendered to the Governor-General. Soon after the formation of the Pakistan Provisional Cabinet, *Dawn* started issuing a sort of court circular everyday which invariably said that Quaid-i-Azam presided over a meeting of the Pakistan Provisional Cabinet.[5]

1. *The Powers of the Governor-General Vis-a-Vis the Central Government*

Sub-Section (2) of Section 3 of the Pakistan (Provisional Constitution) Order, 1947, stated that all expressions, "in his discretion," "acting in his discretion," and "exercising his individual judgment," should be omitted wherever they occurred.

Under the Government of India Act, 1935, the Governor-General "in his discretion" was empowered to choose and appoint his Council of Ministers and he could dismiss them also acting under his discretion. Similarly, the functions of the Governor-General with respect to Defence, Ecclesiastical, and External Affairs, and those in relation to the Tribal Areas were to be exercised under his discretion. Those

functions and powers which the Governor-General was to "exercise under his individual judgment" were defined by the Act as his special responsibilities. The latitude allowed under this Section included the following:

a. The maintenance of law and order in India.
b. The safeguarding of the financial stability and credit of the federal government.
c. The safeguarding of the rights and interests of minorities.
d. The prevention of commercial discrimination and action which would subject goods of United Kingdom or Burmese origin imported into India to discriminatory or penal treatment.
e. The protection of the rights of Indian states, etc.

In respect of matters in which he had special responsibility and in which he exercised his individual judgment, his Ministers would advise but the decision rested with him. Matters over which he exercised his discretion were placed outside the purview of Ministerial advice. In the same meticulous fashion it was expressly provided that it rested with the Governor-General in every case to decide whether or not he was required to act in his discretion or to exercise his individual judgment.

Under the new dispensation all these inordinate powers listed in Sections 9 to 17 of the Government of India Act, 1935, were deleted. In addition to this, the Schedule of the Pakistan (Provisional Constitution) Order, 1947, omitted the Ninth Schedule of the Government of India Act, 1935. It was under the Ninth Schedule that the Governor-General of undivided India had been exercising his powers. Part II of the Government of India Act, 1935, had not been used as the Federation of India had not come into being. The Ninth Schedule gave even greater powers to the Governor-General than those available in Part II of the Act. For example, under Section 67(b), if the Legislature failed to pass a Bill in the form recommended by the Governor-General, the Governor-General might certify that the passage of a Bill was essential for the safety, tranquillity, or interests of British India, or any part thereof.

Strangely enough, Campbell-Johnson in his book, *Mission With Mountbatten,* states quite categorically that one of Jinnah's first acts after putting his name forward as Governor-General "was to apply for powers under the 9th Schedule rather than Part II of the 1935 Act which gave him at once dictatorial powers unknown to any constitutional Governor-General representing the King."[6] Again, in another part of his book he states: "As we have seen, Jinnah's concept of the proper functions of the Governor-General were made plain enough when he at once invoked the special powers allowed under the Independence Act."[7] It is difficult to see how Jinnah could have applied for powers under the Ninth Schedule when the Pakistan (Provisional Constitution) Order, 1947 removed all the discretionary powers of the Governor-General and the Schedule of this Order omitted the Ninth Schedule.[8] If he had applied for powers under the Ninth Schedule and if these powers had been granted, as Campbell-Johnson believes that they were, then the Pakistan (Provisional Constitution) Order should have been drafted in terms of the Ninth Schedule. It has been seen that this was not the case. Moreover, Mountbatten was expected to carry on "the business of the Governor-General in Council between the passing of this Act and the appointed day otherwise than in accordance with the provisions in that behalf of the Ninth Schedule to the Government of India Act, 1935."[9] Thus, the Ninth Schedule made its exit on July 19, 1947 when two Provisional Governments were established. The author has looked up all the relevant documents and nowhere has he found any evidence to show that the Governor-General of Pakistan had applied for and been granted his powers under the Ninth Schedule of the Government of India Act, 1935.

The powers of the Governor-General with regard to his Council of Ministers were couched in terms which could be found in other Dominion Constitutions. Thus, Section 10(1) said: "The Governor-General's ministers shall be chosen and summoned by him, shall be sworn as members of the council and shall hold office during his pleasure."[10] Since

the Governor-General's powers exercisable in his discretion and under his individual judgment had been deleted, it could be said that he was expected to act only on the advice of his Ministers. But there was no specific provision which laid down that the Governor-General was to act on advice. This was rather a striking omission. In the original Government of India Act, 1935, even though the Governor-General had been empowered with wide discretionary authority yet in Paragraph 8 of his Instrument of Instructions he was clearly enjoined "to bear constantly in mind the need for fostering a sense of joint responsibility among his ministers."[11] In Paragraph 9 it was stated that the Governor-General "shall be studious so to exercise his powers as not to enable his ministers to rely upon his special responsibility in order to relieve themselves of responsibilities which are properly their own."[12] In other Dominion Constitutions there are specific provisions which require that the Governor-General should act on the advice of his Ministers. Thus, Section 13 of the British North America Act says: "The Provisions of this Act referring to the Governor-General in Council shall be construed as referring to the Governor-General acting by and with the Advice of the Queen's Council for Canada." Similarly, Section 63 of the Constitution Act of the Commonwealth of Australia lays down: "The provisions of this Constitution referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Federal Executive Council." No such provision was incorporated in the Pakistan (Provisional Constitution) Order, 1947.

Section 17 of the adapted Government of India Act, 1935, empowered the Governor-General to make rules for the more convenient transaction of the Federal Government, and for the allocation among Ministers of the said business.[13] It was also provided that the rules should include provisions requiring Ministers and Secretaries to Government to transmit to the Governor-General all such information with respect to the business of the Federal Government as might be specified in the rules or any other

information that the Governor-General might require to be submitted to him. This Section gave a wide latitude of power to the Governor-General in the matter of allocation of portfolios among his Ministers. This could mean that the Prime Minister's choice of his Ministers would either have to conform to that of the Governor-General or the Governor-General could himself select the Ministers for the Prime Minister and also allocate portfolios among them. By this Section it was also possible for the Governor-General to allocate a subject to himself. Thus, a press note issued by the Government of Pakistan on July 6, 1948 stated: "It has been decided to create a new Ministry with effect from July 1, 1948, to be known as the Ministry of States and Frontier Regions. This Ministry will deal with the affairs of the tribal territories of the N-W. Frontier, Baluchistan, the Baluchistan tribal areas adjoining Dera Ghazi Khan District of the West Punjab, the excluded areas and the Pakistan States. The affairs of the Ministry will be under the direct control of the Quaid-i-Azam and it will function under his guidance and direction."[14] It may be pointed out that the Governor-General in the adapted Act was empowered to exercise his authority over Excluded Areas and Partially Excluded Areas by Section 92 of the adapted Act. Similarly, the Chief Commissioner's Province of Baluchistan was also placed under his jurisdiction by Sections 94 and 95 of the adapted Act. What was striking was that the Governor-General had included the Tribal Areas within the purview of his own Ministry. Sections 11-15 of the original Government of India Act, 1935, which dealt with Tribal Areas, Defence, Ecclesiastical Affairs, External Affairs, etc. and the special responsibilities of Governor-General, had been omitted in the adapted Act. These subjects came under the discretionary powers of the Governor-General and therefore Sections 11-15 could not be retained in the adapted Act. But the Governor-General was now bringing back Tribal Areas under his control and for this he used Section 17 of the adapted Government of India Act, 1935. This was also strange in the sense that separate Ministries had been created for Defence, External

Affairs, etc., and a similar Ministry for Tribal Affairs and Frontier Regions could have been allocated to a Minister. The Governor-General of Pakistan had created a unique precedent in the sense that besides being Governor-General he had a Ministry under his control.

The emergency powers given to the Governor-General in the original Government of India Act, 1935, were retained in the adapted Act. Under Section 102 of the adapted Government of India Act, 1935, the Governor-General could declare by proclamation that a grave emergency existed whereby the security or economic life of Pakistan or any part thereof was threatened by war or internal disturbance or circumstances arising out of any mass movement of population from or into Pakistan. By this proclamation the Governor-General could make laws for a Province or any part thereof with respect to any of the matters enumerated in the Provincial Legislative List. Under clause 5 of this Section he could declare a proclamation of emergency even before the security or economic life of Pakistan was threatened by the actual occurrence of war or disturbance or other circumstances, if the Governor-General was satisfied that an imminent danger existed.

The Federal Legislature could make laws under this proclamation of emergency, but such laws should cease to have effect on the expiration of a period of six months after the proclamation had ceased to operate.

On August 27, 1948 the Governor-General issued a proclamation under Section 102 of the Government of India Act, 1935, declaring that a "grave emergency has arisen and exists in Pakistan." The proclamation stated that "whereas the economic life of Pakistan is threatened by circumstances arising out of the mass movement of population from and into Pakistan a State of Emergency is hereby declared."[15] The reason why this emergency was declared was that the Central Government had so far failed to persuade the Provincial Governments in West Pakistan to absorb a surplus of 500,000 refugees. The West Punjab had settled 4.8 million refugees or one million more than the number of Hindu and Sikh refugees who had left the

Province. Perhaps more could have been settled if tenancy reforms had been carried out and large landholdings abolished, but in the prevailing conditions a saturation point had been reached and a surplus of 500,000 had to be provided for elsewhere.

Various Provincial interests were retarding smooth settlement. Ministers of the Central Government, including the Prime Minister, had tried on many occasions to persuade the Provinces to absorb and resettle refugees more speedily. Since satisfactory co-operation was not forthcoming from the Provinces, recourse had to be made to the emergency powers of the Governor-General. Thus, the Central Refugees Council, under a proclamation of emergency, directed Provinces and States to take up the following number of refugees: Sind, 200,000; North-West Frontier Province, 100,000; Bahawalpur and Khairpur States and Baluchistan, 100,000. It was very difficult to tell who was advising whom, for the Governor-General was, as will be seen later, probably as well informed as the Central Cabinet about the seriousness of the situation. Governors of these Provinces were writing letters fortnightly to the Governor-General, posting him with what was happening in their respective Provinces. Therefore, it was likely that the Governor-General himself might have suggested that since the persuasive methods of the Central Cabinet had failed, they should seek his assistance and a State of Emergency should be declared.

2. *Powers of the Governor-General with regard to Provinces, including the Chief Commissioner's Province of Baluchistan.*

(a) *Governors as Agents of the Governor-General:*

It might have seemed strange and surprising to some of the ardent Muslim League nationalists that the Quaid-i-Azam had appointed British officers as Governors in three of the four Provinces in Pakistan. Sir George Cunningham was appointed Governor of the North-West Frontier Province; Sir Francis Mudie and Mr. Ghulam Hussain Hidayatullah were assigned to West Punjab and Sind,

respectively; and to East Bengal went Sir Frederick Bourne. Obviously Jinnah wanted experienced and strong Governors. He was fully conversant with the rifts, rivalries and intrigues in these various Provinces.

However, the fact remains that since the Quaid-i-Azam had made his choice it had to be accepted by all concerned. Sir Frederick Bourne, the Governor of East Bengal, was later to write, ". . . I was made to feel that I was welcome and that if the Quaid-i-Azam, as Mr. Jinnah was by then always styled, thought I would do, all concerned in East Bengal would act on the assumption that he was right, a very generous attitude in the circumstances."[16] However. Khan Abdul Ghaffar Khan, criticizing the policy of appointing British Governors, said:

> "I am very sorry to say that our Hindu brethren have appointed Indian Governors in their Provinces and not even men but a woman also can become a Governor there. Were there no Musalmans in Bengal or the Punjab who could become our Governors? I have to say, that to our misfortune, the British whom we had turned out have again been brought in and placed at our heads. Is this Islamic Fraternity? Would we call it a brotherhood? This is Islamic Pakistan!"[17]

Liaquat Ali Khan's reply to this criticism was equally significant:

> "We needed experienced men and therefore we employed a few Englishmen on temporary basis. But under the present Constitution, the man who has been vested with all powers is the Governor-General. *He can do whatever he likes.*" (author's italics)[18]

From the evidence that the author has gathered, it seems clear that Sir George Cunningham presided over Cabinet meetings in the N-W.F.P. The Chief Minister himself seemed to prefer this arrangement. Similarly, the Rules of Business were also framed by the Governor of the N-W.F.P. *The Times* also wrote, "The Governors of the N-W.F. and West Punjab provinces, Sir George Cunningham and Sir Francis Mudie, who because of the difficult conditions which have prevailed since August have been forced to

play an executive role beyond their constitutional duties, . . ."[19] *Dawn* also of August 23, 1947 said that Sir Francis Mudie presided over a meeting of the Punjab Cabinet which was also attended by General Sir Frank Messervy, Commander-in-Chief of the Pakistan Army.[20] Sir Frederick Bourne has pointed out:

> "I did not attend Cabinet Meetings, though I received reports of all Cabinet proceedings; but I saw the Ministers on fixed days once a week, when I or they were not on tour, an arrangement which the Prime Minister himself desired. He was anxious that I should keep an eye on them and jog their memories when necessary."[21]

As will be seen later, in Sind the Governor, Ghulam Hussain Hidayatullah, was so powerful that he could go to the extent of reallocating the portfolios against the wishes of his Chief Minister.

These close contacts with their Ministers were necessary because the Governors had to write fortnightly letters to the Governor-General. This system of fortnightly letters from Governors was started by Lord Linlithgow, continued by Lord Wavell and adopted in 1947 by Jinnah. One of these letters, written by Sir Francis Mudie to the Quaid-i-Azam and dated September 5, 1947, was obtained by K. L. Gauba. It has been published in his book, *Inside Pakistan*. This letter gives an amazingly clear and complete picture of what was happening in West Punjab around that time. The following extract shows how useful such letters were and how it enabled the Governor-General and the Central Government to keep a close watch over Provincial administration:

> "From various sources I hear that the political situation is deteriorating. Yesterday there was a minor refugee demonstration with shouts of 'Pakistan Murdabad.' I am told that Shaukat is afraid to show his face in the Muslim Refugee Camp here. I warned my Ministry about a week ago that this sort of thing was inevitable, that when things go wrong on a large scale it is always the Government that gets the blame. At first they were

inclined to attribute any unpopularity they may have sensed to the machinations of Firoz, Khaksars, etc. This was mere self-delusion and very dangerous. This feeling of resentment against things in general and against the Government in particular is bound to grow. The ways in which, as far as I can see, it can be countered are (1) propaganda reiterating what Government is doing for the refugees and (2) efficient administration."[22]

Sir George Cunningham, Governor of the North-West Frontier Province, also wrote fortnightly letters in which he gave detailed reports of the administration of the Province. "These reports", as he wrote in his first letter dated September 8, 1947, "will be seen by nobody except my own Secretary." All these letters have been seen by the author and they give an amazingly penetrating insight into the working of the Frontrier administration. Many of the early letters gave a detailed account of the problem of law and order arising from communal riots in the Province. Later, one finds Sir George engrossed in problems like the propaganda of Abdul Ghaffar Khan in favour of Pathanistan, the dangers posed by the hostility of the Faqir of Ipi to Pakistan and the support that his Government was likely to get in the Assembly during the Budget Session. The Governor reported to the Quaid-i-Azam that Abdul Ghaffar Khan and other 'Red Shirt' leaders were busy making speeches and hoisting the Pathanistan flag in public meetings. "But the meetings always seem to fall pretty flat, and I think it is much better not to give them advertisement by prosecution, even if their doings were actionable (which is doubtful)." In the next letter, the Governor wrote: "I am in the meantime warning Abdul Qayum, as you advised, not to risk a clash with the Red Shirts at this juncture without very good reason." Abdul Ghaffar Khan, however, persevered in his propaganda and also attacked the Government of Pakistan for not being based on real Islam and not free of foreign interference and control. One of the letters dated December 31, 1947 expressed some concern over the frequent demands that were being made at public meetings and tribal *jirgas* for

the substitution of *Shariat* for the ordinary law.

Another problem which Sir George tackled was that of building up friendly relations between the Government of Pakistan and the Frontier tribes and States. The Governor was not quite certain whether the Utmanzai Wazirs of North Waziristan would react favourably to his suggestion that the tribes should enter into friendly relations with the Government of Pakistan. He himself was pleasantly surprised when he found the tribes "really all right at heart" in spite of the persistent propaganda of the Faqir of Ipi against Pakistan. In another letter the Governor reported with great pride the withdrawal of regular troops from Waziristan and described the withdrawal from Razmak as "far the most peaceful withdrawal of troops that I have ever known on the North-West Frontier in the last 35 years."

Sir George also kept the Quaid-i-Azam fully informed of how his Ministry was functioning and particularly the prospects of it retaining a majority in the House. As the Budget Session approached, there was some doubt whether the seven Congress members who had joined the League Party would continue to support the Ministry. The Governor did not share the apprehension that these seven converts would betray the Muslim League Party. The Governor was in touch with the Members of the Assembly and particularly the Muslim League Party and kept the Quaid-i-Azam fully informed of the various developments and disagreements in the Muslim League Party.

In the event of a Governor withholding his assent to a Bill passed by the Provincial Legislative Assembly, the Governor was required to reserve the Bill for the consideration of the Governor-General by Section 75 of the adapted Act. Whereupon the Governor-General could either declare that he assented to the Bill or that he withheld his assent to the Bill. The Governor-General could also direct the Governor to return the Bill to the Provincial Legislative Assembly for their reconsideration. Jinnah, as in other matters, took his powers of giving his assent to or withholding his assent from Provincial Bills very seriously. The evidence is provided by Jinnah's Private Secretary,

S. M. Yusuf, who has recorded: "A Provincial Government once wanted the Quaid-i-Azam's assent to the promulgation of an Ordinance a few days before its Legislature was due to meet. Assent was refused, for by-passing the Legislature was not to be countenanced."[23]

(b) *Dismissals of Provincial Ministries*

The first Ministry to be dismissed after the formation of Pakistan was that of Khan Sahib in the North-West Frontier Province. The Ministry was dismissed by the Governor on August 22, 1947. In a statement at a press conference in Peshawar on Monday, July 7, 1947, before the results of the Frontier referendum were declared, Khan Sahib announced that if the Pathans voted to join Pakistan he would resign.[24] However, on July 17, he changed his mind and said, "It is for my party to decide whether to resign or not. Last time I gave purely my personal opinion, subject to the condition that the Referendum will be honest, free and fair, but it is just the opposite."[25] Soon after the results of the referendum were declared in which the N-W.F.P. had decided to join Pakistan, demands were made by League circles, specially by *Dawn*, for the dismissal of the Congress Ministry in the Frontier.[26] On August 22, 1947 the Ministry was dismissed. It has been reported that the Ministry was dismissed because Khan Sahib, the Chief Minister, had refused to take the new oath of loyalty to Pakistan. Thus, Lord Birdwood has written: "For a while Dr. Khan Sahib clung to his responsibilities. But on the establishment of Pakistan and his refusal to take the new oath Mr. Jinnah removed him."[27] *Dawn* alleged that Congress Ministers in the Frontier showed disrespect "to the sovereign flag of the State by declining to attend its hoisting ceremony."[28] From the evidence that the author has gathered, it is quite clear that neither of these versions is accurate. The dismissal of Khan Sahib's Ministry is also discussed later. Khan Sahib was dismissed by the Governor on clear instructions from Jinnah. Jinnah made it clear to his Governor in the Frontier that Khan Sahib's Ministry should be dismissed under Sub-Section (5) of Section 51

of the adapted Act. Section 51(5) clearly laid down:

> "In the exercise of his functions under this section with respect to the choosing and summoning and the dismissal of ministers the Governor shall be under the general control of, and comply with such particular directions, if any, as may from time to time, be given to him by the Governor-General."

It seemed Mountbatten had promised Jinnah that he would dismiss the Congress Ministry in the N-W.F.P., but was overruled by His Majesty's Government on the ground that such an action would not be proper as it would mean dismissal without any choice of dissolution when the Ministry still had a majority in the Assembly. In addition to this, dismissal of Khan Sahib would not have been liked by Nehru and other Congress leaders. However, Section 51(5) gave enough powers to the Governor-General of Pakistan to set aside constitutional conventions and dismiss the Ministry.

Another case of dismissal was that of M. A. Khuhro on April 26, 1948 when he was dismissed by the Governor under directions from the Governor-General. The press communiqùe issued from the Sind Governor's Secretariat on April 26, 1948 stated:

> "Under directions from His Excellency, the Governor-General, His Excellency, the Governor of Sind, has dismissed Mr. Muhammad Ayyub Khuhro from his office of Premier of Sind under Section 51(5) of the Government of India Act, 1935, as amended by the Pakistan (Provisional Constitution) Order, 1947, as *prima facie* case has been made out against him for charges of maladministration, gross misconduct and corruption in the discharge of his duty and responsibility.
>
> His Excellency, the Governor, is making arrangements immediately to appoint a Judicial Tribunal to enquire into the charges and allegations that have been made against Mr. Khuhro and the fullest opportunity will be afforded to him to vindicate his position."[29]

Before Khuhro was dismissed it was also reported that serious differences had arisen between him and the Sind

Governor, Sheikh Ghulam Hussain Hidayatullah, who had reallocated the Cabinet portfolios over the Chief Minister's head on the grounds that it would lead to more harmonious working and a more expeditious dispatch of business.[30] The Governor was within his rights to reallocate portfolios provided he was acting under the directions of the Governor-General according to Section 51(5) of the adapted Act. However, Khuhro was dismissed on charges of mal-administration and gross misconduct.

At the time when Khuhro was dismissed, other Provinces by no means presented a much better picture. On April 25, 1948, a day before Khuhro was dismissed, Jinnah was holding discussions with the West Punjab Premier, the Khan of Mamdot and two Ministers, Mian Mumtaz Daultana and Sardar Shaukat Hyat Khan. The talks concerned alleged West Punjab non-co-operation with Pakistan Special Police Officers appointed by the Central Government for wiping out corruption and the difficulties met in the expansion of the Cabinet.[31] In the North-West Frontier Province Khan Abdul Ghaffar Khan, on the charge that he had been in touch with the Faqir of Ipi, was arrested and promptly sentenced to three years imprisonment under the Frontier Crimes Regulation. It was under these circumstances that the Governor-General brought back a modified form of the old Section 93 in the form of Section 92A in the adapted Act.

A notification issued on July 16, 1948 said: "In exercise of the powers conferred by Section 9 of the Indian Independence Act, 1947, and of all other powers enabling him in that behalf, the Governor-General of Pakistan has made the Pakistan Provisional Constitution (Third Amendment) Order, 1948."[32] Under Section 93 of the Government of India Act, 1935, the Provincial Governor in his discretion, but with the "concurrence of the Governor-General in his discretion" could proclaim a State of Emergency within a Province. Under Section 92A the initiative was given to the Governor-General, that is, it was the Governor-General and not the Governor, who, when satisfied that the Government of a Province could not be carried

on in accordance with the provisions of the adapted Act, might by proclamation, direct the Governor of a Province to assume on behalf of the Governor-General all or any of the powers vested in or exercisable by any Provincial body or authority. Thus, under Section 92A the Governor functioned on behalf of the Governor-General and interpreted not his own orders but those of the Central Government.

Khwaja Shahabuddin, Minister of Interior, while replying to a question regarding Section 92A in a press conference on June 24, 1948 said:

"I personally think that it is a question of confidence. If your elected head enjoys your confidence, I personally do not think that I shall hesitate to arm him with all the power that is necessary to meet certain contingency for the good of the public. I do not think that it creates an autocratic Government like what you had during the time of foreign domination here. A situation may arise when such powers may have to be exercised. It is the Governor-General who will exercise these powers. It is still under consideration. Nobody knows what the final shape of things will be."[33]

(c) *Powers with regard to the Chief Commissioner's Province of Baluchistan*

Powers of the Governor-General with regard to a Chief Commissioner's Province, like that of Baluchistan, are defined in Section 94 and 95 of the adapted Act. Section 94(3) said:

"A Chief Commissioner's Province shall be administered by the Governor-General acting, to such extent as he thinks fit, through a Chief Commisioner to be appointed by him."

Section 95(2) and (3) laid down:

(2) "The executive authority of the Federation extends to Baluchistan, but, notwithstanding anything in this Act, no Act of the Federal Legislature shall apply to Baluchistan unless the Governor-General by public notification so directs, and the Governor-General in giving such a direction with respect to

any Act may direct that the Act shall in its application to the Province, or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit.

(3) 'The Governor-General may make regulations for the peace and good government of Baluchistan, and any regulations so made may repeal or amend any Act of the Federal Legislature or any existing law which is for the time being applicable to the Province and, when promulgated by the Governor-General, shall have the same force and effect as an Act of the Federal Legislature which applies to the Province."

It is again noteworthy that the words "in his discretion" had been removed from the text of these Sections, but the Quaid-i-Azam in his Sibi Durbar Speech on February 14, 1948, while drawing attention of the audience to these constitutional provisions, included the word "in his discretion" in the text that he quoted while making this speech.[34]

In the same speech the Quaid-i-Azam also said:

". . .I have come to the conclusion that our immediate object can best be achieved by making the governance and administration of Baluchistan more directly the concern of the Governor-General himself acting in close collaboration with the acknowledged representatives of the people. For this purpose I have decided to constitute a Governor-General's Advisory Council, a body which will enable the people to play their full part in the administration and governance of their province. . ."[35]

Though the members of the Advisory Council would be nominated by the Governor-General, yet it would have the power to advise the Governor-General on any matter which in its opinion was connected with the good of the Province. The Budget of the Province, for instance, would be checked and scrutinized, first, by the Advisory Council, and it would be free to submit its recommendations to the Governor-General. The Quaid-i-Azam went on to argue:

"Thus, Gentlemen, in some ways you will be better off than the other provinces of Pakistan. Here you will have in fact a Governor-General's province and you will

become my special responsibility and care and let me assure you that in this sphere of activities, the Governor-General will adopt such measures as may be necesary, in consultation with his Advisory Council from time to time."[36]

In the press conference that he held on February 15, 1948 the Quaid-i-Azam was asked whether he was in favour of a dictatorial form of government, rather than a democratic one, since in his Durbar Speech he had said that Baluchistan would be better off than the other Provinces because it would be the Governor-General's special responsibility. The Quaid-i-Azam replied that this would be a wrong assumption. "I was thinking of provisional measures which would help in getting things done, rather than lengthy processes involved in full-fledged parliamentary discussions." He pointed out that this did not mean that he was in favour of dictatorship. Baluchistan was a backward Province as compared to others which had gone through constitutional changes in 1910, 1921, and 1930 and 1935. Baluchistan, on the other hand, had not gone through these various stages of parliamentary form of government.[37] It is again interesting to see how closely similar are the ideas of the Quaid-i-Azam as regards progressive realization of responsible government to those of his predecessors, namely, the British Governors and Viceroys.

Thus, it is clear that the Quaid-i-Azam had inordinate constitutional powers. Even though his discretionary powers with regard to the Central Cabinet in Sections 10-17 had been deleted in the adapted Act and he was expected to act on advice, it has been seen that through Section 17 he had recovered most of these powers. Under this Section he could make rules for the more convenient transaction of the business of the Federal Government and also for the allocation of work among the Ministers of the Government. Through these rules the Governor-General could establish his control over the entire mechanism of Cabinet Government. It was he who had picked the Central Cabinet and distributed the portfolios among the Ministers.

He had also created a Ministry for himself. It will be seen later that he sometimes presided over the Cabinet Meetings, and the Cabinet accepted his decisions.

In the Provincial sphere, he had Sections 51 and 92A in his armoury. Here again no Ministry could advise him. As Liaquat Ali Khan said, "He can do whatever he likes."

Thus, here was a Governor-General who was not only more powerful than his other contemporary Governors-General, but also more powerful than his predecessors, the Viceroys of India. In the original Government of India Act, 1935, the Governor-General, with all the paraphernalia of powers conferred on him in the Act and in his Instrument of Instructions, was still answerable to the British Parliament through the Secretary of State for India. If he were in error, relief could be obtained by an appeal, as in the classical case in 1892 in New Zealand when Ministers remained in office on the refusal of the Governor to add Members to the Upper Chamber until the Governor was advised by the Colonial Secretary to accept their advice.[38] But who was Jinnah answerable or responsible to? From the evidence that the author has collected it is clear that Jinnah, when he was Governor-General of Pakistan, did not write personal reports to the King as other Governors-General did. Nor would the Constituent Assembly or the Legislature think of questioning his powers. The nation was always in a mood of thankfulness to its father and creator. Perhaps it would have liked to crown him if he had agreed. As *Dawn* wrote, "His people will not be content to have him merely the titular Head of the Government, they would wish him to be their friend, philosopher, guide and ruler, irrespective of what the Constitution of a Dominion of the British Commonwealth may contain."[39]

## II. Political Powers of the Governor-General

It has been seen that even though the Governor-General had been endowed with enormous powers in the Indian Independence Act, 1947, yet Section 8 of the Act made it clear that he could exercise these powers only with the consent of the Constituent Assembly. The question, there-

fore, arises as to whether the Constituent Assembly of Pakistan could curtail or challenge the powers of the Quaid-i-Azam. In this section it will be seen that there was no likelihood of this happening as the Quaid-i-Azam, in addition to being Governor-General, was also elected as President of both the Constituent Assembly and the Legislature.

On August 11, 1947 Jinnah was elected as President of the Constituent Assembly. This was the highest honour that any Assembly could confer on its Member. But Liaquat Ali Khan, the Prime Minister and Leader of the majority Muslim League Party, and other Members thought that Quaid-i-Azam was bestowing an honour on the Constituent Assembly by agreeing to become its President. Liaquat Ali Khan said, "Sir, you have been rightly described as the architect of Pakistan and what greater fortune could we have than to have you as the President of this sovereign body, to build the state which we have got through your devotion, untiring zeal, selfless service and unshakeable determination."[40] Abul Kasem Khan (East Bengal Muslim) said, ". . .You have condescended today to accept the office of the President of this Assembly, though it is no honour to you. You have shown us, the members of this House, a great honour by accepting the office."[41] Begum Jahan Ara Shah Nawaz (West Punjab Muslim) said, ". . .Our nation is lucky in having you as the one who is guiding our destinies, the like of which I have not seen anywhere in the world."[42] During the first few meetings that Jinnah attended as President of the Assembly no one was allowed to waste the time of the House by making irrelevant remarks. Even Tamizuddin Khan was pulled up a few times and told to redraft his resolutions when the Report of the Committee on Rules of Procedure, etc. was being discussed. Later on, when Jinnah was either too weary or ill to attend the meetings of the Assembly and when the Assembly had elected a Deputy President to relieve the President of his work, it is reported that Jinnah was not willing to sign any badly drafted Bill.[43]

Jinnah in his capacity as President of the Constituent

Assembly signed the various Bills passed by the Constituent Assembly. But according to the strict law, namely, Section 6(3) of the Indian Independence Act, 1947, he had to give his assent in His Majesty's name to any law passed by the Constituent Assembly or the Federal Legislature. In 1948 the Law Ministry did advise that formal assent of the Governor-General was required. This opinion was overruled. Since a Bill passed by the Constituent Assembly had to be signed and thus authenticated by the Quaid-i-Azam in his capacity as President of the Constituent Assembly before it became a constitutional Act, the Constituent Assembly was not likely to pass a Bill which would be against the wishes of the Quaid-i-Azam. The Quaid-i-Azam did assent to Bills passed by the Federal Legislature, but he disliked assenting to Bills 'in His Majesty's name' and struck out that phrase whenever he assented to Bills passed by the Federal Legislature.[43a]

On August 11, 1947 Jinnah made his famous speech in the Assembly. Although it was supposed to be merely a President's Address, yet it turned out to be an important policy-making speech. He himself appeared to be quite casual about it. ". . .I shall say a few things as they occur to me."[44] He laid stress on three things: (1) maintenance of law and order, (2) rooting out of bribery and corruption, and (3) equal rights of all citizens, be they Hindu, Muslim or Christian. As regards the evil of nepotism and jobbery, speaking like the Head of the State and not merely as President of the Constituent Assembly, he said, "This evil must be crushed relentlessly. I want to make it quite clear that I shall never tolerate any kind of jobbery, nepotism or any influence directly or indirectly brought to bear upon me. Wherever I find that such a practice is in vogue or is continuing anywhere, low or high, I shall certainly not countenance it." As regards the equal rights of Hindus and Muslims, his pronouncement was as follows: " . ..You will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State."[45] The

latter pronouncement must have caused some stir, specially among the rigid and uncompromising advocates of an Islamic State. G. M. Syed, who had voted against Pakistan in the Sind Assembly, came out with the statement that Jinnah's speech bespoke a "chastened mood" and amounted to an abandonment of those fundamental principles on which the Muslim League had based its programme and carried on its struggle for Pakistan.[46] *Dawn* tried to correct this "misinterpretation" of Jinnah's speech. It pointed out that when Jinnah declared that in course of time "Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, . .but in the political sense," he merely meant that "a Hindu or any other person not professing the Muslim faith will not be debarred from participating in the administration of Pakistan, nor will he be discriminated against by its laws, nor will he suffer economically."[47]

Jinnah's pronouncement as regards purifying the administration of Pakistan by rooting out corruption, nepotism and jobbery was also important. The Central Government promulgated on February 13, 1948 two measures, a Government of India Act Amendment Order and an Ordinance "to enable them to set up an efficient machinery for rooting out the evil of corruption in Pakistan." The Amendment Order conferred on the Central Government the necessary legal power to create a Special Central Police Force with jurisdiction, both in the Central and Provincial spheres, and the Ordinance created the Police Force.[48]

What one notices in Jinnah's Presidential Address was that he was not merely speaking as President of the Constituent Assembly, nor was he making a Speech from the Throne. Obviously this speech was not written by his Prime Minister, nor is there any evidence to show that he had formulated his thoughts after consulting his Prime Minister.

On August 12, 1947 Liaquat Ali Khan moved "that this Assembly resolves that Mr. Mohammad Ali Jinnah, President of Constituent Assembly of Pakistan and Governor-General designate of Pakistan be addressed as

'Quaid-i-Azam Mohammad Ali Jinnah, Governor-General of Pakistan' in all official Acts, documents, letters and correspondence from August 15, 1947."[49] Replying to the Debate on this Motion, Liaquat Ali Khan said:

"Do not Honourable Members know that when Mustafa Kamal Pasha was always called in all official documents as 'Atta Turk' it meant the 'Father of the Turkish Nation'? . . .Some people had been addressing Quaid-i-Azam as Shah-in-Shah (Emperor) of Pakistan. Some had been addressing him as Badshah (King) of Pakistan. Some others had been addressing him in a different way. Now he is not only the President of the Constituent Assembly and the Head of the State but he is also Governor-General. That means he is also the legal Head of the State. Therefore it has been considered necessary and essential that there should be, as far as official correspondence is concerned, uniformity in the form of address for Quaid-i-Azam Mohammad Ali Jinnah."[50]

It was also announced on August 23, 1947 that the Governor-General, Quaid-i-Azam Mohammad Ali Jinnah, who was the President of the Assembly and an expert on constitutional law, would also act as Legal Guide to the Assembly in drafting the Constitution.[51] On Friday, August 22, 1947 Quaid-i-Azam Mohammad Ali Jinnah's name was read in Khutba at the Pakistan Colony Mosque. Pir Illahi Bukhsh, Education Minister, Sind Government, who led the prayer, in his statement said:

"It is customary among the Musalmans to recite the name of the Caliph or King, if any, of the Muslim country in Khutbas after the Juma and Id prayers. Since Pakistan is now an independent country, it is but fair that the name of Quaid-i-Azam, the Head of a Muslim country, be included in Khutbas throughout Pakistan. I appeal to Muslims to start this in all mosques throughout Pakistan as this is an indication of an independent Muslim state. Quaid-i-Azam is the real Head of the independent State—Pakistan. The name of Quaid-i-Azam was read as Amirul-Milat Quaid-i-Azam Mohammad Ali Jinnah."[52]

Campbell-Johnson, writing about Jinnah's powers under

the Ninth Schedule of the Government of India Act, 1935, has said: "Here indeed is Pakistan's King Emperor, Archbishop of Canterbury, Speaker and Prime Minister concentrated into one formidable Quaid-i-Azam."[53] This is not an exaggerated description of Jinnah's powers, though based on wrong premises. The author has already pointed out in Section I in this chapter that Jinnah did not derive his powers from the Ninth Schedule of the Government of India Act, 1935. Even though powers of the Governor-General exercisable "in his discretion" and "individual judgment" had disappeared, yet the all-powerful Quaid-i-Azam was still there, and if he wanted, he could exercise most of those powers which were now available to him in slightly different forms. The new forms of power were those of Quaid-i-Azam, the Governor-General, Quaid-i-Azam, the President of the Constituent Assembly, Quaid-i-Azam, the President of the Federal Legislature and Quaid-i-Azam, the Legal Guide to the Assembly.

FOOTNOTES

1. Jinnah's Commission is included in Appendix II.
2. According to Clause (c) of Sub-Section (2) of Section 8 of the Indian Independence Act, 1947. (10 & 11 Geo. 6, ch. 30)
3. *Hansard (Commons)*, Vol. 439, Cols. 2448-50.
4. *Ibid.*, Cols. 2455-6.
5. See *Dawn* (Delhi), July 25, 1947 to August 6, 1947.
6. Alan Campbell-Johnson, *Mission With Mountbatten* (London: Robert Hale, 1952), p. 156.
7. *Ibid.*, p. 230.
8. *The Transitional Constitutions of India and Pakistan*, (Calcutta: The Indian Law Review Office, 1947), p. 222. In this Schedule of Pakistan (Provisional Constitution) Order, 1947, is given. Ninth Schedule is omitted. See also *Unrepealed Constitutional Legislation* (Karachi: Government of Pakistan Press, 1951), p. 110.
9. Section 9—(1) (e) of the Indian Independence Act, 1947. (10 & 11 Geo. 6, ch. 30).
10. Corresponding provision in Canada is Section 11 of the British North America Act, 1867, (30-31 Victoria, Ch. 3).
11. J. P. Eddy and F. H. Lawton, *India's New Constitution* (London: Macmillan, 1935), Appendix I, p. 194.
12. *Ibid.*
13. Instead of quoting the particular Adaptation Order or Amendment Act each time the author refers to the Government of India Act,

1935, the author feels that it would be easier and clearer to simply refer to the Act as the adapted Government of India Act, 1935. The Ministry of Law of the Government of Pakistan has used the term "Unrepealed Constitutional Legislation," which the author thinks is vague and not as clear as the term adapted Act.

14. *Pakistan News*, July 7-13, 1948 (Karachi: Press Information Dept.) Vol. 2, No. 28, p. 12.
15. *The Times* (London), August 28, 1948.
16. Sir Frederick Bourne, "Constitutional Governors Before and After the Transfer of Power", *Asiatic Review*, October, 1950, Vol. XLVI, No. 168, p. 1115.
17. *Constituent Assembly (Legislature) of Pakistan Debates*, 5th March, 1948, Vol. I, No. 7, p. 239.
18. *Ibid.*, 6th March, 1948, Vol. I, No. 8, p. 279.
19. *The Times* (London), January 5, 1948.
20. *Dawn* (Delhi), August 23, 1947.
21. Sir Frederick Bourne, *op. cit.*, p. 1116.
22. K. L. Gauba, *Inside Pakistan* (Delhi: Rajkamal Publications, 1948), Appendix A. pp. 301-303. The author feels that the letter of Sir, Francis Mudie, as reproduced in this book, is fairly authentic, although the book is extremely anti-Pakistani. There is considerable corroboration between some of the facts mentioned in the letter and those included in a report on the same situation published in *The Times* of September 5, 1947. Thus, Sir Francis Mudie's letter states: "Efficiency with my present staff is out of the question. We have one Financial Commissioner instead of a normal two or three and our present one, Akhtar Hussain, though loyal and a good technical revenue officer, is certainly not capable of doing two men's work. Out of three Commissioners of Divisions, we have only one and he is, from all accounts, hardly up to the job. Out of five D.I.G. Police, we have only three and two are recently joined outsiders, one from U.P. and one from C.P. Finally, to crown all, we have no Chief Secretary—the Finance Secretary, a mediocre officer, is supposed to be doing both jobs. I called on Liaquat and Mohammed Ali and had a joint meeting with them and my Ministers. Largely by Liaquat's help I got the Ministers to agree to our trying to get back a number of ex-Punjab and ex-U.P. British I.C.S. officers and to the retention of the Lahore Division. Shaukat was a bit difficult, I don't quite know why."

    *The Times* of September 5, 1947 described the situation as follows: "In West Punjab the need for trained officers is desperate, as the province faces the worst crisis in its history, and very few Muslims of adequate training and experience exist. Six months ago there were nearly 100 British officials in the Punjab Government. Today in West Punjab there are about six. Many key posts are not

filled, either by Muslims or British. For example, there is only one instead of three Divisional Commissioners, one instead of two Financial Commissioners, two instead of five Deputy Inspectors-General of Police. Nearly all the District Officers are untried men who have never administered a District before. The only hope of restoring an efficient administration lies in the early enlistment of British Officers. Such a move would be opposed in some extreme nationalist quarters, but it has the full approval of the higest Government leaders, although the latter are unwilling to jeopardize their position by stating their needs publicly." *The Times* (London), September 5, 1947.

23. S. M. Yusuf, "Quaid-i-Azam as Governor-General", *Dawn* (Quaid-i-Azam Supplement) (Karachi), September 11, 1949.
24. *Dawn* (Delhi), July 9, 1947.
25. *Ibid.*, July 20, 1947.
26. Editorial, "Dismiss the Ministry", *Dawn* (Delhi), July 23, 1947.
27. Lord Birdwood, *A Continent Decides* (London: Robert Hale, 1953), p. 35.
28. Editorial, "Dismissed", *Dawn* (Delhi), August 27, 1947.
29. *Pakistan News*, April 21-27, 1948 (Karachi: Press Information Dept.), Vol. 2, No. 17, p. 6.
30. *The Times* (London), April 26, 1948.
31. *Ibid.*
32. *Pakistan News*, July 13-20, 1948 (Karachi: Press Information Dept.), Vol. 2, No. 29, p. 8.
33. *Ibid.*, June 23-29, 1948, Vol. 2, No. 26, pp. 6-7.
34. *Pakistan News*, February 11-17, 1948 (Karachi: Press Information Dept.), Vol. 2, No. 7, pp. 9-14. See also *Quaid-e-Azam Speaks* (Karachi: Pak Publicity, n.d.), pp. 74-75.
35. *Quaid-e-Azam Speaks* (Karachi: Pak Publicity, n.d.), pp. 73-74.
36. *Ibid.*, pp. 76-77.
37. *Pakistan News*, February 11-17, 1948 (Karachi: Press Information Dept.), Vol. 2, No. 7, pp. 18-20.
38. Arthur Berriedale Keith, *Responsible Government in the Dominions*, Vol. I (Oxford: Clarendon Press, 1928), p. 219.
39. Editorial, "From Founder to Builder," *Dawn* (Delhi), July 13, 1947.
40. *Constituent Assembly of Pakistan Debates*, 11th August, 1947, Vol, I. No. 2, p. 12.
41. *Ibid.*, p. 16.
42. *Ibid.*, p. 17.
43. Hector Bolitho writes: "His Secretary at this time has said, 'His seriousness was contagious: there was no lightness or humour in our work. When Bills arrived for him to sign, he would go through them sentence by sentence. 'Clumsy and badly worded,' he would complain... He would say, 'Split it up into more clauses!' 'This

should go back and be re-written!' When I pleaded, 'You will be holding up a useful piece of legislation,' he would relent. But his vigilance did not weaken. 'They can't hustle me,' he would say. 'I won't do it.'" Hector Bolitho, *Jinnah Creator of Pakistan* (London: John Murray, 1954) pp. 214-215.

43a. Sir Ivor Jennings, *Constitutional Problems in Pakistan* (London: Cambridge, 1957), p. 25.

44. Hector Bolitho thinks that Jinnah worked for many hours on the Presidential Address he was to give to the Constituent Assembly of Pakistan on August 11, 1947. Hector Bolitho, op. cit., p. 197.

45. *Constituent Assembly of Pakistan Debates*, 11th August, 1947, Vol. I, No. 2, pp. 18-20.

46. Editorial, "Perverse Propaganda," *Dawn* (Delhi), August 26, 1947,

47. *Ibid.*

48. *Pakistan News*, February 11-17, 1948 (Karachi: Press Information Dept.), Vol. 2, No. 7, pp. 7-8.

49. *Constituent Assembly of Pakistan Debates*, 12 August, 1947, Vol. I, No. 3, pp. 36-37.

50. *Ibid.*, pp. 46-47.

51. *Dawn* (Delhi), August 25, 1947.

52. *Ibid.*

53. Campbell-Johnson, *op. cit.*, p. 156.

# IX

## THE CENTRE AND THE PROVINCES (1947-1948)

In the earlier chapters an impression may have been created that Quaid-i-Azam Mohammad Ali Jinnah had more than his full share of what Hobbes regarded as the central weakness of human nature, a quest or struggle for power after power. But as pointed out earlier, the Quaid-i-Azam did not have to acquire these powers. Most of them were given to him by Section 9 of the Indian Independence Act, 1947, whereby he could make "omissions from, additions to, and adaptations and modifications of, the Government of India Act, 1935" until the 31st of March, 1948. On March 2, 1948 this power was further extended by the Constituent Assembly to March 31, 1949. In addition to all this, inherent in the adapted Government of India Act, 1935, were the powers to issue a proclamation declaring that a grave emergency had arisen or existed in Pakistan under Section 102 and to exercise overall control over the Provincial Governors with respect to the choosing and summoning and the dismissal of Ministers under Section 51(5). On July 16, 1948, by the Pakistan Provisional Constitution (Third Amendment) Order, 1948, the Quaid-i-Azam inserted Section 92A in the Government of India Act, 1935. By this the Governor-General could direct the Governor of a Province to suspend the normal constitutional machinery in that Province on the plea that a grave emergency existed in which the Government of that Province could not be carried on in accordance with the provisions

of the Act. All these instruments of Central control had been there in the armoury of the British Government of India. Pakistan, as a successor Government, was carrying on these traditions. Pakistan's neighbour, India, was also working on the same model.

Thus, Pakistan was not unique in possessing and exercising such powers. What was extraordinary was the location of these powers. In other countries, these powers were exercised by the Central Cabinet which was responsible to the Parliament. But in Pakistan, neither were the circumstances normal nor could its Governor-General be described as a constitutional figurehead. He was not only the successor of the powerful Viceroy but also the Quaid-i-Azam of Pakistan. The author has been told that the Cabinet by a resolution had authorized him to exercise all these powers on its behalf. He could overrule the Cabinet. He had, again by a Cabinet resolution, direct access to all the Secretaries and all the files.

Could it be said that here were all the essential features of a constitutional dictatorship? Frederick M. Watkins in his essay, "The Problem of Constitutional Dictatorship", lists three basic criteria to distinguish constitutional dictatorship from the various other forms of absolutism. "In periods of temporary emergency," he argues, "the problem is to find an absolute regime (1) which will be just sufficiently absolute to safeguard the interests of an established constitutional order, (2) which will continue in existence only so long as those interests are actually in danger, and (3) which will then be followed by an integral return to the previous constitutional system."[1] It could be said that the "established constitutional order" of Pakistan was in danger and Pakistan could not tackle some of the abnormal problems it was faced with through the normal constitutional and parliamentary processes. What was debatable, however, was whether the democratic processes, once suspended, would be restored, and also whether the Central Government was eager and hasty in setting aside parliamentary processes on the pretext that the latter were totally unsuitable to cope with the problems that had

arisen.

Pakistan had not only inherited the powers of the British Government of India but also its administrative machinery. Herein lay a great danger. Powers have a habit of falling into desuetude when the emergency for which they are created is over. But it is very difficult to dismantle the machinery that is created to translate these powers into action. Once administrators taste power, the appetite for it grows by what it is fed on. The machinery that was carried over from the British days largely rested on the Governor and the Central civil servants placed in the Provinces. This machinery was not related so much to the Prime Minister as it was to the *primum mobile* of the Pakistan constitution at that time, the Quaid-i-Azam. It was to him the Governors wrote fortnightly letters, a practice initiated during the days of Lord Linlithgow. These letters, as stated earlier, gave detailed reports of Provincial administration ranging from purely administrative matters to political problems like intrigues in the ruling party or the Cabinet or the inability of certain Ministers to take decisions at the risk of popular disapproval. The Governors, with the exception of the Governor of East Bengal, presided over their Cabinet meetings. There was no doubt that this machinery served a highly useful purpose, considering the nature of the problems and the quality of Pakistan's political leaders. But the unfortunate result was that the administrative machinery was kept in full gear even after the emergency was over on the plea that the Central Government could not afford to dismantle it because of the irresponsibility and immaturity of political leaders. What was never realized was that political leaders could not become mature and responsible as long as this machinery was retained in its full vigour and power.

## I. Refugees and their Rehabilitation

Pakistan had inherited inadequate physical apparatus and very few trained civil servants to run the State. Many economists had prophesied its doom. Many Indian leaders thought that Muslims would soon come to their senses and

rejoin the Indian Federation. Pakistanis, in their turn, believed that the Indian Government had a deliberate policy of pushing every Muslim out of India into Pakistan with the idea of choking the latter. The author has learned that in 1945 Nehru told a senior British military officer in Burma that 'his deliberate plan would be to allow Jinnah to have his Pakistan, and gradually make things so impossible economically and otherwise for Pakistan that they would have to come on their bended knees and ask to be allowed back into India.' On the other hand, it could be said that India was faced with a serious refugee problem as well. But at that time mutual suspicion was so great that Indian and Pakistani leaders had lost all sense of objectivity and were in no mood to appreciate each other's difficulties. However, it was clear that Pakistan started with vastly more difficult problems than India. India had inherited a fully-fledged Central Government with all its elaborate apparatus. Pakistan, on the other hand, had neither proper equipment nor trained personnel. It was reported that some of its Ministers had wooden boxes as their tables and practically no filing system. The special trains carrying essential files and records from Delhi to Karachi had either been burnt or derailed. The delivery of military equipment assigned to Pakistan was deliberately delayed and some of it never reached Pakistan. And now it looked as if to hasten its predicted disintegration, the communal war broke out in all its barbaric fury in the Punjab.

> "More Indian people have been killed during the short space of the past month than in all the civil broils of the past fifty years. Millions have been rendered homeless. A transfer of populations has been enforced on two administrations reluctant and ill-fitted to cope with it that already dwarfs in scale anything caused by war in Europe. . . . Men on both sides of the new boundaries talk of the opposite community with a venom and anger that the British rarely expressed towards the Germans or even the Japanese in the worst days of the war."[2]

Another report said: "Lahore and Amritsar, the two chief cities on either side of the border, have the crumbling,

burnt-over look of blitzed London or Rotterdam. . . . The latest authoritative estimates give more than 50,000 dead in the last six months, most of them Muslims of Eastern Punjab."[3]

As the refugees poured in, carrying their lurid accounts of the brutalities that were committed on their kith and kin in East Punjab, the temptation to equal the Sikhs in mass killing must have been very great indeed. Thus, the special correspondent of *The Times* of September 5, 1947 wrote: "The slaughter in East Punjab was worse than in the West because the Sikhs were better armed and better organized, but there have been massacres in West Punjab, like that at Sheikhpura, which were as bad as anything in East Punjab and the brutalities have been just as bad on both sides."[4]

It is very difficult to see how any Government, however popular it might be, could have persuaded the Muslims to refrain from retaliation. The Government of West Punjab consisted of mostly inexperienced Ministers and civil servants. Sir Francis Mudie, the Governor of West Punjab, in his letter to Jinnah dated September 5, 1947 wrote:

> "From various sources I hear that the political situation is deteriorating. Yesterday there was a minor refugee demonstration with shouts of 'Pakistan Murdabad'. I am told that Shaukat is afraid to show his face in the Muslim refugee camp here. I warned my Ministry about a week ago that this sort of thing was inevitable, that when things go wrong on a large scale it is always the Government that gets the blame."[5]

It was at this time, when it was widely expected that the Muslims in West Punjab would indulge in the fearful "competition in retaliation" and when both the Central and Provincial Governments in West Punjab were finding it extremely difficult to cope with the situation, that the Quaid-i-Azam stepped in to exercise his steadying influence. In a speech on October 30, 1947 the Quaid-i-Azam, addressing a huge open air meeting in Lahore, reminded the Muslims of West Punjab:

"Remember that the scrupulous maintenance and en-

forcement of law and order are the prerequisites of all progress. The tenets of Islam enjoin on every Mussalman to give protection to his neighbours and to the minorities regardless of caste and creed. Despite the treatment which is being meted out to the Muslim minorities in India, we must make it a matter of our prestige and honour to safeguard the lives of the minority communities and to create a sense of security among them. I would like to impress upon every Mussalman, who has at heart the welfare and the prosperiry (sic) of Pakistan, to avoid retaliation and to exercise restraint, because retaliation and violation of law and order will ultimately result in weekening (sic) the very foundations of the edifice you have cherished all these years to erect."[6]

It was too much to expect that in a situation surcharged with intense emotion and bitterness that much heed would be paid to the words of even the Quaid-i-Azam. As reported earlier, at Sheikhpura in West Punjab Muslims in a spirit of retaliation followed the Sikh example. Obviously the West Punjab Government was finding it extremely difficult to prevent the Muslims from attacking the Sikhs. Mudie wrote to Jinnah: "I am telling everyone that I don't care how the Sikhs get across the border; the great thing is to get rid of them as soon as possible."[7]

In addition to the problems of maintaining law and order and preventing Muslims from attacking the minority community, the West Punjab Government was soon saddled with an equally difficult task of rehabilitating refugees who had already started pouring in their thousands into West Punjab. *The Times* of September 4, 1947 reported that a column of Muslim refugees 20 miles long and estimated to number 200,000, most of them on foot, had been straggling into the border town of Kasur, some 35 miles south of Lahore, since early morning of September 3, 1947.[8] It was not merely a problem of absorbing or settling the refugees on lands left by Hindus or Sikhs but also one of feeding thousands of them and rendering medical aid to those who arrived in pitiful condition. In an appeal for Christian nurses and missionaries to go to Kasur, Diwan

Bahadur S. P. Singha, the Punjab Indian Christian leader, said, "I cannot get the sight of the maimed, fiendishly wounded and acid burnt people from my mind."[9] Mudie, in a letter which he wrote to *The Times* appealing for funds for refugees, wrote:

"Thousands, perhaps tens of thousands, will never reach the border. They will die on the road of starvation and disease. How many have already died no one knows. No one will ever know. Of one convoy that recently arrived over one thousand who had struggled on till they reached the frontier post just laid down and died. They could go no farther. The road was littered with corpses for miles."[10]

By October 8, 1947 some 1,628,000 refugees had already been exchanged between East and West Punjab, 450,000 were on their way, and 2 million in West Punjab were awaiting evacuation to India. According to figures given by the Director of Public Relations, West Punjab, the mass evacuation of Muslims from East Punjab was completed in less than three and a half months, leaving only the clearance of pockets to be carried on. A total number of about 5.5 million Muslims had crossed the border during this period and about 3.5 million Hindus and Sikhs had left West Punjab for India. The Director's Report observed that "a job unprecedented in the history of the world in its magnitude was thus accomplished within record time."[11]

Thus, here was a situation which could have shaken the most organized administration. What sort of administrative machine did West Punjab possess to cope with such a situation? Mudie in his letter to Jinnah wrote:

"Efficiency with my present staff is out of the question. We have one Financial Commissioner instead of a normal two or three and our present one, Akhtar Hussain, though loyal and a good technical revenue officer, is certainly not capable of doing two men's work. Out of three Commissioners of Divisions, we have only one and he is, from all accounts, hardly up to the job. Out of five D.I.G. Police, we have only three and two are recently joined outsiders, one from U.P. and one from C.P. Finally, to

crown all, we have no Chief Secretary—The Finance Secretary, a mediocre officer, is supposed to be doing both jobs."[12]

It may also be pointed out that the District administration was equally deficient. Nearly all the District Officers were men who had never administered a District before.

When the two Provincial authorities of East Punjab and West Punjab started rehabilitating the refugees, it soon became clear that both Provinces had acquired masses of unbalanced people who could not perform some of the tasks essential for the life of their respective communities. The overwhelming majority of Muslim refugees who had fled from East Punjab were poor peasants. The Hindus who left West Punjab were mostly shopkeepers, clerical officials and middlemen. The result was that West Punjab suffered from a serious dislocation of its economic life. Banks, telegraphs, factories, irrigation services could not function properly because nearly all the subordinate Hindu staffs had left in panic.

There was no doubt that East Punjab suffered as well. West Punjab inherited most of the physical apparatus of the old Provincial Government. It also had some of the rich, canal lands left by Hindus and Sikhs. East Punjab started with none of these advantages. Its first Cabinet meetings were held in fields and by the roadside. "And even now the Seat of Government consists of tents pitched around a vacated Muslim school at Jallundur. . ."[13] Nevertheless, the handicaps with which the administration in West Punjab started were greater. First of all, it was relatively more difficult for West Punjab to train administrators and technical personnel than it was for East Punjab to improvise offices and communications. Similarly, West Punjab had received 5.5 million refugees as compared with East Punjab's 3.5 million. One-sixth of the entire population of West Pakistan consisted of refugees. West Punjab formed a much more important part of Pakistan than East Punjab did of India. Thus, the Report of the Director of Public Relations, West Punjab Government, said:

"Imagine a person with his vital limbs suddenly paralyz-

ed, who is asked not only to run but also to carry on his back a load which would be heavy enough for him even if he were in the best of health. It will be a miracle if instead of collapsing, he performs simultaneously the dual feat of healing his paralyzed limbs and running a race against time. The history of the province of the West Punjab during the past one year is a story of just such a miracle."[14]

1. *Rehabilitation of Refugees*

West Punjab had inherited the great canal colonies of Montgomery, Lyallpur and Shahpur, a large part of which had been vacated by Sikhs. Here, each refugee cultivator who was settled with his dependents, was granted between five and eight acres. Large tracts of the northern districts of the Province, however, and particularly in Rawalpindi and Attock, consisted of poor, rocky land already over-populated, many of whose inhabitants earned their living in the army or on merchant ships. In the western districts, Dera Ghazi Khan, Muzaffargarh and Mianwali, was found the greatest poverty of all. The refugee cultivator, who was settled outside the canal colonies, received more land, up to twelve and a half acres, but there was little doubt that in spite of high food, grain, and cotton prices, refugee cultivators found it extremely difficult to wring their means of existence from the soil.

Mian Iftikharuddin, Minister for Rehabilitation of Refugees in the West Punjab Government, came out with the revolutionary proposal that the only proper way of re-habilitating the refugees was through land reforms. He suggested breaking up the large estates in West Punjab with a view to distributing land among the refugees. This was turned down by the Provincial Government which was dominated by landlords like Iftikhar Husain Khan of Mamdot, Chief Minister, Mian Mumtaz Muhammad Khan Daultana, Finance Minister, and Sardar Shaukat Hyat Khan, Minister for Revenue. Mian Iftikharuddin had also excited the jealousy of some of his Cabinet Ministers because of his energetic administration. He resigned when

he found that the Provincial Ministry was not willing to take speedy measures to rehabilitate the refugees. He also complained that the Central Government could have intervened on his behalf to pressure the Provincial Government to undertake land reforms.

The Provincial Government, in its turn, felt that it had done everything it could to absorb the refugees. The Finance Minister, Daultana, claimed that the Provincial Government was spending as much as fifty to seventy million rupees a year for the mere feeding of refugees. The Punjab Provincial Government suggested that it was now the turn of Provinces like Sind and the Frontier to resettle refugees in their areas.

Sindhi landlords could not be moved by any considerations of Islamic brotherhood or simple humanitarianism. Ghulam Mohammed, the Central Finance Minister, pointing his accusing finger at M. A. Khuhro, who had been dismissed as Chief Minister of Sind in April, 1948, on charges of corruption and maladministration, said in the Constituent Assembly:

> "He bamboozled the administration and inflamed the Sindhi and the non-Sindhi question. The people who had money, the Zamindars, were so much poisoned against the refugees that in some places not only were they turned out but they were attacked. The refugees had no place to live, whereas houses were lying vacant and they were kept for their favourites, for Sindhis and none else."[15]

It was obvious that the Provinces were not co-operating fully with the policy of the Central Government as regards the resettlement of refugees. The Central Government, realizing the gravity of the situation, had created their own Ministry of Refugees and Rehabilitation. The actual task of evacuating, feeding and settling refugees was mostly in the hands of two officers of the Central Government. Both these officers were Englishmen, E. de V. Moss, Chief Pakistan Refugee Commissioner, and Brigadier F. F. Stevens, who directed all movement of refugees by the Pakistan Army. Liaquat Ali Khan, the Prime Minister, was more or less

permanently stationed in Lahore and exerted his maximum influence on the Punjab Provincial Ministry to tackle the problem of resettlement of refugees speedily and efficiently. Without his intervention, it would not have been possible for the Provincial Governor to persuade his Ministers to employ a number of ex-Punjab and ex-U.P. British I.C.S. officers. Similarly, Liaquat was also appealing to the people in general to help the refugees.

All this was not of much avail. Under the original Section 102 of the Government of India Act, 1935, the Central Government could make laws for a Province with respect to any of the matters enumerated in the Provincial Legislative List in the event of a grave emergency when the security of the country was threatened by war or internal disturbance. A new amendment was introduced which further widened this power by inserting phrases like "economic life of Pakistan" or "circumstances arising out of any mass movement of population from or into Pakistan". Thus, under the Government of India (Second Amendment) Act, 1948, Quaid-i-Azam Mohammad Ali Jinnah, the Governor-General of Pakistan, issued a proclamation on August 27, 1948, declaring that a "grave emergency has arisen and exists in Pakistan". The proclamation stated that, "Whereas the economic life of Pakistan is threatened by circumstances arising out of a mass movement of population from and into Pakistan, a State of Emergency is hereby declared."[16]

Under these emergency powers the Central Refugee Council directed Provinces and States to take up the following number of refugees: Sind, 200,000; N-W.F.P., 100,000; Bahawalpur and Khairpur States and Baluchistan, 100,000.[17] It was expected that this decision would solve, at least for the time being, the problem of excessive concentration of refugees in West Punjab.

## 2. *Feuding Ministers and the Quaid-i-Azam*

The Central Government and the Provincial Governor, Sir Francis Mudie, were both dissatisfied with the way the administration of West Punjab was being conducted by the

Ministry of the Nawab of Mamdot. Mamdot had been the largest landowner in Punjab before Partition. But the award of the Boundary Commission was such that all his lands lay in East Punjab. He was very bitter and derived his principal support from the refugees. The Governor and the officials wanted to deal with all those who disturbed communal peace or embezzled evacuee property with even-handed justice. The Provincial Premier could not agree wholeheartedly with the Governor because of his political difficulties. In addition, he had never had any experience in administration. He was not very hard working and disciplined in his habits. Nor did he have political finesse and a determination to succeed in his job. In committee meetings, he often said very little and when decisions went against him, he was given to blaming the Governor or his colleagues. Daultana, the Finance Minister, on the other hand, was brilliant, extremely ambitious, and intriguing, but lacked the most essential quality of political leadership, namely, courage. Thus, after the exit of Mian Iftikharuddin, the Muslim League Parliamentary Party was divided into two factions consisting of the followers of Mamdot and Daultana with Mamdot still commanding a majority. When Jinnah came to know of these feuds, he summoned the Governor along with Mamdot and Daultana to Karachi in April, 1948. At this meeting, according to evidence disclosed to the author, the Governor-General said that "he found Mamdot totally unfit to be Prime Minister of the Punjab, however great his services to the League had been. He had therefore decided that Mamdot must resign and that Daultana should take his place." Daultana, faced with such an order from the Governor-General suggested that it would be better if he were to get himself elected to that post by the party. The Governor-General was angry and surprised that Daultana had suggested such a course of action when the correct procedure should have been for Daultana to accept the Governor-General's "commission" and then ask the party to support him. After this episode, Jinnah lost interest in the matter and probably wanted to wait until the situation deteriorated so much that he would be forced

to take action. The Governor who had been asked by Jinnah to bring the resignations of his two Ministers with him to the meeting, was advised to return them. The Ministers were delighted to have their resignations back but were puzzled and alarmed as to what further course of action their Quaid-i-Azam was likely to take.

Another controversy that the Quaid-i-Azam was called upon to decide was that relating to the opposition of Sindhi leaders to the contemplated move of the Central Government to make Karachi the capital of Pakistan. The Sind Assembly unanimously passed on February 2, 1948 a resolution opposing the "contemplated move of the Pakistan Government to remove the city of Karachi from the control of Sind administration and place it under its own immediate jurisdiction as a centrally administered area." This controversy brought to light the conflict and tension that was brewing between the Punjab and Sindh interests in Karachi. Sindhis felt that being much less advanced and sophisticated than the Punjabis they, as the hosts, were being gradually elbowed out by their guests. A typical comment was that of M. H. Gazder: " . . . But one defect in the Punjabi's character is that wherever a Punjabi goes, he establishes a Punjabi colony, Punjabi administration, employs Punjabis, he would invite all his relatives and he will use all his powers for appointment of all his relatives and friends."[18] Even though the Constituent Assembly in May, 1948, decided by a resolution that Karachi should be made the capital of Pakistan, the Muslim League Party in the Sind Assembly did not accept the decision of the Constituent Assembly and sent a deputation to Ziarat where the Quaid-i-Azam was lying ill to seek his advice in the matter. It is interesting to note that a communique from the Governor-General's house said: "The deputation submitted that they were anxious to know his views not so much as Governor-General but as Quaid-i-Azam." The communique said that "the Quaid-i-Azam's advice and counsel to them finally was that they willingly accept the proposal of the Central Government which had been adopted by the Constituent Assembly, the highest and supreme body in

Pakistan. . ."[19] Karachi was declared the capital of Pakistan by the Governor-General's Order called the Pakistan (Establishment of the Federal Capital) Order, 1948, issued on July 23, 1948.

How was it that when Pakistan was faced with such formidable problems as the rehabilitation of millions of refugees, the establishment of an administrative system almost from scratch in several parts of the country, and external dangers like the Kashmir conflict that its political leaders were feuding with each other? The answer lay in the way the Muslim League had been organized. Most of the League leaders had merely been used to carrying out orders of the Central Muslim League or the Quaid-i-Azam. Now for the first time they were being called upon to function as a team and tackle a number of serious administrative problems. They had no experience of so much authority being delegated to their hands. The Quaid-i-Azam was too weary, old and overwhelmed by other problems to give his directives on every detail. Intellectually as well the League leaders were mostly second-raters and it was too much to expect from them that they would rise to the occasion and meet the new challenges. It was obvious that in such a set-up that the power and influence of the Central Government would increase and Provincial autonomy be reduced to a farce. Similarly, the Governor and his officials would occupy the vacuum created by the feuding Ministers. And the idea was gaining rapid currency among the officials that politicians could only make a mess of things. Not many people could foresee that the breakdown of the parliamentary system in the Provinces would ultimately result in its erosion at the Centre as well.

## II. The N-W.F.P. Ministry

On August 8, 1947 Lord Mountbatten sent a telegram to the India Office saying that the Pakistan Provisional Government had officially advised him that he should either direct the Governor of the North-West

Frontier Province to dismiss the Congress Ministry of Khan Sahib and form a Muslim League Ministry in its place or impose Section 93 in the Province, appoint Muslim League leaders as advisers and then install a Muslim League Ministry by August 14 at the latest. The Viceroy proposed that the latter alternative should be adopted. He also added that according to the information furnished to him by Liaquat Ali Khan, Khan Sahib had intentions of proclaiming an independent Pathanistan in the Frontier on August 15. The India Office disagreed with the Viceroy's suggestion and pointed out that since the Congress Ministry still had a majority in the House, the Ministry could not be dismissed. If the Governor were satisfied that Khan Sahib and his Ministry had lost the confidence of the people, the Assembly should be dissolved and fresh elections held. As regards Section 93, the India Office said that it could not be invoked because there was no clear indication that the constitutional machinery of the Province had broken down under the Congress Ministry. Similarly, they doubted whether Liaquat's information as regards the proclamation of Pathanistan was correct. Therefore, the India Office took the position that the Congress Ministry should not be removed before August 15 because His Majesty's Government would be held responsible for this action for which they could offer no justification.

It seems that the Quaid-i-Azam was angry with Mountbatten because he had originally promised to get the Ministry removed before August 15 and had failed to carry out his promise. The Quaid was not being quite fair to Mountbatten because the Viceroy did advise the Secretary of State to agree to the dismissal of the Congress Ministry in the Frontier but was overruled. Perhaps the Quaid did not relish the idea of himself dismissing Khan Sahib and thereby giving the impression of being arbitrary. On August 22, Sir George Cunningham, Governor of the N-W.F.P. was directed by the Governor-General to dismiss the Ministry of Khan Sahib.

One can understand why Jinnah was reluctant to use the extraordinary powers available to him under the

Government of India Act, 1935, to dismiss a Provincial Ministry. The dismissal of Khan Sahib's Ministry created a precedent and the later Central Governments also resorted to their reserve powers in dismissing Provincial Ministries. The Governor knew the Frontier and its leaders intimately. Khan Sahib, though under the influence of Khan Abdul Ghaffar Khan, was not an irresponsible person. He had given clear assurances to the Governor that as long as he was Chief Minister, he would do nothing injurious to the Pakistan Constitution, and that he had no intention of declaring an independent Pathanistan. Even if the League circles doubted the sincerity of Khan Sahib's professions of loyalty, they could have asked the Frontier Provincial League leader, Qaiyum Khan, to produce a majority in the Assembly and move a motion of non-confidence against Khan Sahib's Ministry. Such a course of action would have clearly saved the Central Government from resorting to its reserve powers and thereby creating a precedent. It may be noted that Qaiyum Khan did succeed in winning seven Congressmen to his side in January, 1948. If this were not possible at an early stage, it was surely open to the Central Government to direct the Governor to dissolve the Provincial Assembly and hold fresh elections. The precedent of dismissing a Ministry which had a majority and then commissioning another man to form a Ministry in the hope that the latter would soon be in a position to produce a majority was bound to lead to political instability in the Provinces.

Abdul Qaiyum Khan was invited to form a Ministry on August 22, 1947. According to Jinnah's instructions given under Section 51(5) to the Governor, the Ministry was to consist of only two persons, including the Chief Minister. It may be pointed out that Section 51(5), which said that in the matters of "the choosing and summoning and the dismissal of ministers", the Governor would have to comply with such particular directions as might be issued to him by the Governor-General, was inserted in the Government of India Act, 1935, by Lord Mountbatten on

the advice of Jinnah. This provision was reminiscent of Resolution No. 2 of the Muslim League Working Committee passed in October, 1939. According to this resolution, the President was empowered to "advise, guide and issue instructions to Muslim League parties in the various Provincial Legislatures in the event of some sudden emergency arising." It has been seen in Chapter VI that Jinnah did make use of these powers. Thus, when Qaiyum pressed the Governor that he should have a third Minister in his Cabinet, the Governor wrote to Jinnah asking for his instructions in this matter.

Abdul Qaiyum Khan, as Deputy Leader of the Congress Party in the Central Legislative Assembly, had thundered ineffectively for a long time from the Congress benches. Power had come to him after a long time and now that it was within his grasp, he wanted to make full use of it. There was no doubt that he was a man of tremendous energy and knew how to get things done efficiently and promptly. There was one thing that he could not tolerate and that was opposition. He was not liked by some of the Muslim League leaders themselves, most notable among them being the Pir of Manki Sharif, mainly because of his autocratic and ruthless methods and also because he was not a Pathan, being a Kashmiri by origin. But more important than this discontent in the Muslim League ranks was the fact that Qaiyum for nearly two and a half months after he assumed office did not have a majority in the House. The Muslim League Party had about 15 members as compared to 21 members of the Congress Party. The Chief Minister was quite concerned about his position in the House as the Budget Session which was to be held in March, 1948, was approaching. Furthermore, he was being pestered by his party men for all kinds of favours. Qaiyum suggested to the Governor that an ideal arrangement for the Province would be to remove the Legislature altogether and have a referendum every three years in which a leader would be chosen who would be allowed to select three or four colleagues to run the whole administration. The Governor also thought that perhaps a system like that

was more suitable to conditions in the sub-continent than a parliamentary form of government. Jinnah, on the other hand, was thinking of dissolving the Assembly *sine die*. However, neither of the schemes came to fruition because the Muslim League was successful in persuading seven Congressmen to join their party in January, 1948.

After Qaiyum Khan stabilized his position as Chief Minister, he turned towards his opponents and wanted to crush them on the plea that they were enemies of Pakistan. He was intent on arresting Khan Abdul Ghaffar Khan on one pretext or another. This was an extremely short-sighted policy so far as the larger interests of Pakistan were concerned. There was a dearth of talent and leadership in the Frontier. Qaiyum's policy should have been to work with moderate sections among the Congress led by Khan Sahib. By arresting a leader like Abdul Ghaffar Khan he made him not only a martyr in the eyes of the general public but also antagonized the moderates in the Congress. Abdul Ghaffar Khan before Partition had captured the imagination of the Pathans for his defiance of the British Raj. He was popularly known as the Frontier Gandhi. Qaiyum was making the same mistake that the former British Home Secretaries had made. They also had taken the line that the best way of dealing with the Congress in the Frontier was to crush it. Perhaps a more important factor which influenced Qaiyum Khan's policy towards the Congress was his fear that if some sort of compromise or settlement were to be arrived at between the Pakistan Government and the Khan brothers, he might cease to occupy the most prominent place in the Frontier. There is clear evidence to show that Khan Abdul Ghaffar Khan, who had already met Jinnah in Karachi, was making overtures to the Muslim League leaders and assuring them that he would be loyal to Pakistan.

The Governor in a note submitted to Jinnah said that Pathanistan at that time was not mooted by anyone in the Frontier as a serious demand and that none of the Congress leaders harboured any feelings of disloyalty towards Pakistan. Khan Abdul Ghaffar Khan could be a source of

serious trouble in the future if he were unnecessarily antagonized or not handled skilfully. "The only sense in which the 'Pathanistan' movement has any reality seems to be that there is a definite disinclination of the people (officials and public) to be linked with the Punjab. I think they fear that the Punjab might 'swamp' them." What the Governor had been striving for since a long time was to bring about a confluence between right-wing members of the old Congress Party and those elements like the Khans, professional men, villagers, etc. who were united under the Muslim League. But nobody took much heed of this sound advice and warning. However, it was clear that most of the seeds of future conflict were there during Jinnah's time itself.

### III. First Signs of Discontent in East Bengal

As compared to the holocaust in the Punjab, there was comparative calm in Bengal. The problem of refugees and their rehabilitation was not very serious in East Bengal. But in the matter of setting up an administrative machinery, difficulties in East Bengal were much more formidable. Hindus had held more than their share on a population basis in the administrative services. Many of the most competent Registrars and Assistant Secretaries had been Hindus. The Secretaries in the Provincial Government after Partition were mostly Muslims who were either from the Punjab or from the U.P. In the entire Indian Civil Service of undivided India, there had been only one Muslim officer from East Bengal. He had risen from the ranks of the Provincial Civil Service and had been superseded many times before Partition. Thus, there was a serious shortage of competent officers in East Bengal. "There was a time when over fifty per cent. of the Civil and Criminal Courts could not function owing to the shortage of judicial and executive officers."[20] Similarly, the economic life of the new Province was more or less paralyzed when the exodus of Hindu businessmen and accountants took place.

Just as there was resentment against Punjabi officers in

Sind, so was there a similar grievance against the Punjabi and U.P. officials in East Bengal. In the first flush of patriotic fervour, the differences in culture and language between East Bengalis and their superior officers did not seem serious. But soon the Bengalis became aware of the fact that the non-Bengali officials would not care to learn the local language and expected the people in Bengal to learn Urdu or English. They found it difficult to fill out their money order forms or understand the value of the money written on stamps, etc. because Bengali was nowhere to be found on any of these documents.[21] East Bengal also felt isolated from West Pakistan and therefore it was suggested that some of the sessions of the Assembly should also be held in Dacca. Supporting this suggestion, Begum Shaista Suhrawardy Ikramullah said, "A feeling is growing among the Eastern Pakistanis that Eastern Pakistan is being neglected and treated merely as a 'colony' of Western Pakistan."[22]

Thus, the tension and ill-feeling between the Punjabi and U.P. officers and their East Bengali subordinates and clerks increased slowly but steadily. Similarly, the relationship between some of the East Bengal politicians and their West Pakistan opposite numbers was far from cordial. There was a widespread belief in Karachi and Lahore that East Bengalis regarded themselves as Bengalis first and Pakistanis second. A demand for the recognition of Bengali as a separate state language equal to Urdu had also sprung into being.

The Governor-General visited East Bengal in March, 1948. His speeches clearly indicated that the grievances of East Bengalis with regard to their language, their economic and administrative backwardness, and the alleged supercilious or haughty attitude of the Punjabi and Urdu-speaking Muslim officers could not be brushed aside lightly. For each malady the Quaid-i-Azam prescribed a sovereign remedy. As regards the growing feeling of provincialism, the Quaid-i-Azam had this to say, "Islam has taught us this, and I think you will agree with me that whatever else you may be and whatever you are, you are a Muslim. You belong

to a nation now; you have now carved out a territory, a vast territory, it is all yours; it does not belong to a Punjabi or a Sindhi or a Pathan, or a Bengali, it is yours."[23] But presumably the growing middle-class in East Bengal felt that in addition to Islam, they should be bound to the Centre by tangible means like better living conditions and better employment opportunities in their Province. As the father of the nation, Jinnah could soothe their tempers. He could advise them to be patient. And they knew he was impartial. He himself was neither a Punjabi, nor a Sindhi. They could not associate him with any Province. Thus:

> "Please do not think that I do not appreciate the position. Very often it becomes a vicious circle. When you speak to a Bengali he says: 'Yes, you are right, but the Punjabi is so arrogant;' when you speak to the Punjabi or non-Bengali, he says, 'Yes, but these people do not want us here, they want to get us out.' Now this is vicious circle and I do not think anybody can solve this Chinese puzzle. The question is, who is going to be more sensible, more practical, more statesmanlike, and will be rendering the greatest service to Pakistan? So make up your mind and from today put an end to this sectionalism."[24]

In Muslim countries an aged person is regarded with great respect. The Quaid-i-Azam had not only won Pakistan, but also grown considerably old in winning it. Thus, many people were prepared to listen to him even if they were not sure that he was right. Thus, he could get away by declaring quite clearly that the state language of Pakistan was going to be Urdu and no other language. "Anyone who tries to mislead you is really the enemy of Pakistan. Without one State Language, no Nation can remain tied up solidly together and function."[25]

The Governor-General also knew that an agitation had been organised by the followers of Suhrawardy against the Provincial Government on the language issue. This agitation had also the support of a number of Muslim Leaguers who had been former supporters of Suhrawardy in undivided Bengal. Muhammad Ali (Bogra) and Tafazzal Ali were

leading figures in the agitation. The Quaid's technique was to weaken the agitation by depriving it of some of its leaders. Muhammad Ali (Bogra), who later became Prime Minister of Pakistan, was sent to Burma as the Ambassador of Pakistan. Tafazzal Ali was offered a post in the Provincial Ministry. It may be noted that when in 1952 Khwaja Nazimuddin, as Prime Minister, advised the Bengalis that they should accept Urdu as the national language of Pakistan and reminded them that the Quaid-i-Azam had also expressed a similar desire, he raised a hornets' nest. There was so much commotion that it finally led to riots and political unrest and the defeat of the Muslim League in the elections of spring, 1954.

The Government of India Act, 1935 with all its shortcomings was a great improvement on the Government of India Act, 1919. Its most distinct contribution to the advance of responsible government in India lay in the considerable degree of autonomy that was granted to the Provinces. At first the Congress Ministers in 1937 refused to accept office unless and until they were assured that the Governors would not use their reserve powers in day-to-day administration. The Congress was assured that the reserve powers were to be used for special or rare occasions and that the Governors had no intention of seeking recourse to them in normal circumstances. According to the Muslim League, the British Governors went so far in appeasing the Congress appetite for power that they did not protect the minorities whose interests they had been called upon to safeguard both in the Act and in their Instrument of Instructions. In those days Nationalists used to be great champions of Provincial autonomy, particularly because it was an effective weapon to use against the Governors who were agents of a foreign power. In Pakistan the foreign power had disappeared and the office of the Viceroy and the Quaid-i-Azam was combined in one person. In addition, the powers of the Central Government in the adapted Government of India Act, 1935, had actually expanded instead of contracting. This meant that it was not easy for the Provinces to defy either the Central Government or the Quaid-i-Azam,

the Governor-General.

In justification, the Government of Pakistan could argue that circumstances were such that Pakistan could not afford the luxury of a fully-fledged federal system. The Provincial politicians instead of helping the Central Government to resettle the refugees had acted in a short-sighted and selfish manner. In fact, one could argue that the Central Government had not used their powers of control and regulation over the Provinces effectively and wisely. They could have used these powers, for example, to pressure the Provinces into introducing land reforms. Nobody knew better than the Governor-General how powerful the landlords of Sind and the Punjab were for he had dealt with them in the political field before Partition. By introducing land reforms, the Government could have acquired land to resettle the refugees and at the same time broken the political power of the landlords.

FOOTNOTES

1. Friedrich and Mason (eds.), *Public Policy*, Vol. I (Cambridge: Harvard University Press, 1940), p. 329.
2. "Indian Communal War", *The Times* (London), September 18, 1947.
3. "On the Sikh-Moslem Frontier", *The Nation*, September 20, 1947.
4. *The Times* (London), September 5, 1947.
5. Letter from Sir Francis Mudie to His Excellency Quaid-e-Azam Mohammad Ali Jinnah, Governor-General of Pakistan. Reproduced in K. L. Gauba, *Inside Pakistan* (Delhi: Rajkamal Publications, 1948), Appendix A, pp. 301-303.
6. *Quaid-e-Azam Speaks* (Karachi: Pak Publicity, n.d.), pp. 42 and 43.
7. Letter from Sir Francis Mudie, in K. L. Gauba, *op. cit.*, pp. 301-303.
8. *The Times* (London), September 4, 1947.
9. *Ibid.*
10. *Ibid.*, October 17, 1947.
11. "West Punjab's One Year of Struggle", *Pakistan News*, August 11-17, 1948 (Karachi: Press Information Department), Vol. 2, No. 33, pp. 2-6.
12. Letter from Sir Francis Mudie, in K. L. Gauba, *op. cit.*, pp. 301-303.
13. "Homeless Masses in Punjab", *The Times* (London), January 20, 1948.
14. *Pakistan News*, August 11-17, 1948 (Karachi: Press Information Department), Vol. 2, No. 33, pp. 2-6.
15. *Constituent Assembly (Legislature) of Pakistan Debates*, 20th May,

1948, Vol. I, No. 20, p. 719.

16. *The Times* (London), August 28, 1948.
17. *Ibid.*, September 3, 1948.
18. Quoted by M. H. Gazder in his Constituent Assembly Speech. *Constituent Assembly of Pakistan Debates*, 22nd May, 1948, Vol. III, No. 3, pp. 79-80.
19. *Pakistan News*, June 23-29, 1948 (Karachi: Press Information Department), Vol. 2, No. 26, p. 4.
20. Khwaja Nazimuddin's Address as the Governor-General. *Constituent Assembly (Legislature) of Pakistan Debates*, 16th December, 1948, Vol. II, No. 2, p. 4.
21. *Constituent Assembly of Pakistan Debates*, 25th February, 1948, Vol. II, No. 2, p. 16.
22. *Ibid.*, 24th February, 1948, Vol. II, No. 1, pp. 6-7.
23. *Quaid-e-Azam Speaks* (Karachi: Pak Publicity, n.d.), p. 129.
24. *Ibid.*, pp. 131-132.
25. *Ibid.*, p. 133.

# PART THREE

## EMERGENCE OF THE PRIME MINISTER (1947-1951)

"In all these matters the Quaid-i-Azam, with failing health and fits of impatience over details; had to rely more and more upon the Prime Minister, whose statesmanship grew with increasing responsibilities. Hence the death of the Great Leader, less than thirteen months after the creation of Pakistan, was not so shattering a blow as had been feared. There was a Joshua to succeed Moses."

(*The Times* (*London*), October 17, 1951.)

# X

## THE ASCENDANCY OF THE PRIME MINISTER

On September 11, 1948 Quaid-i-Azam Mohammad Ali Jinnah, Governor-General of Pakistan, died. On September 14, 1948 Khwaja Nazimuddin, Chief Minister of East Bengal, was appointed Acting Governor-General of Pakistan, and, as his Commission said, "with all the powers, rights, privileges and advantages to said office belonging or appertaining." Section II of his Commission was exactly the same as Section II of the Quaid-i-Azam's Commission. It said that the powers and duties of the Governor-General of Pakistan would be the same as those laid down in the Indian Independence Act, 1947.[1]

As has been pointed out in Chapter VIII, the powers of the Governor-General were clarified in the Governor-General's Order 22 called the Pakistan Provisional (Constitution) Order, 1947. This Adaptation Order removed from the Government of India Act, 1935, all those powers of the Governor-General which were exercisable in his "discretion" as well as those under his "individual judgment". In the same chapter it has been shown that despite these deletions the Quaid-i-Azam exercised such extraordinary powers and enjoyed such enormous prestige as no other Governor-General has had in any part of the Commonwealth. In the unique and awe-inspiring personality of the Quaid-i-Azam were concentrated what Walter Bagehot called the "dignified" and the "efficient" parts of the Pakistan Executive.

The mere mention of Khwaja Nazimuddin's name in political circles conjured up the picture of a man at once mild and malleable. As soon as his appointment was announced, it was clear to everybody that Khwaja Nazimuddin would fulfill the role of a strictly constitutional Governor-General. It was significant that though Pakistan had adopted the British parliamentary pattern where the Prime Minister was the *de facto* head of his Government, yet the man on the street did not associate power with the office of the Governor-General or the Prime Minister. For him, it had been the Quaid-i-Azam who had been the repository of all the powers. Now that he was dead, it was Liaquat Ali Khan who had succeeded him. He was not as great but he had been associated with the Quaid-i-Azam for a long time and the Quaid-i-Azam himself had described him as his 'right hand'. Thus, the new Governor-General himself admitted, "There is no one better qualified in Pakistan than our Prime Minister to lead the country along the path marked out by the Quaid-i-Azam."[2] The people presumably needed another Quaid and Liaquat Ali Khan was duly presented as the Quaid-i-Millat (Leader of the Nation).

What were the accretions to the powers of the Prime Minister? The first indication that one notices that the location of power had shifted from the office of the Governor-General to that of the Prime Minister was the fact that the new Governor-General did not have the portfolio of States and Frontier Regions which his predecessor possessed. Under Sub-Section (3) of Section 17 of the Government of India Act, 1935, the Governor-General was empowered to make rules for the more convenient transaction of the Federal Government and for the allocation among Ministers of the said business. When the new Ministry of States and Frontier Regions was created in July, 1948, the Quaid-i-Azam allocated this Ministry to himself because he had the power under the Act to distribute work of the Federal Government among the various Ministers. The new Governor-General could not do this because the Prime Minister wanted to be the *de facto* head of his Cabinet.

Thus, the Ministry of States and Frontier Regions was transferred to the Prime Minister.

During the time of Jinnah, the old Rules of Business of the Government of India were in operation. Whatever changes were made in them were made by the Quaid-i-Azam. This meant that Secretaries could have direct access to the Governor-General. The Governor-General could preside over Cabinet meetings. In this way, Jinnah could control and influence policy decisions. Even when he did not preside over the Cabinet meetings, there were matters like Defence and Foreign Affairs regarding which the Prime Minister would not take any decision without consulting the Governor-General. Similarly, the problem of Kashmir was the Quaid's special preserve. He presided over the Kashmir Sub-Committee of the Cabinet. So much authority was concentrated in the hands of the Quaid-i-Azam that sometimes when he was lying ill, urgent decisions would be held up. When he was lying ill in Lahore, Colonel Birnie, his Military Secretary, recorded in his diary: "Everything is, as a consequence, at a standstill. . . Even the Ministers are devastated as they can get no decisions on anything."[3]

Under Khwaja Nazimuddin, the Rules of Business were framed in such a manner that all important matters, with the exception of mercy petitions against sentences of death and petitions which involved the exercise of the prerogative of pardon, were to be submitted to the Governor-General through the Prime Minister. None of the matters on which the Governor-General was required to be informed according to the Rules of Business involved major policy decisions. They were mostly matters which concerned appointments of Ministers, Ambassadors, Governors, Commanders-in-Chief of the Navy, Army and Air Force, etc. Even on these matters it was clear that the advice of the Prime Minister would be accepted. This was in striking contrast to the position under the previous Governor-General when the latter appointed Ambassadors, Governors and Ministers, sometimes without even consulting his Cabinet. Similarly, under Nazimuddin matters like appointment of Secretaries of the Ministries and various

Departments had to be first approved of by the Prime Minister and the Governor-General was merely informed of the decisions made by the Prime Minister.[4] It may be recalled that the position was quite different under the Quaid-i-Azam who had made important appointments like those of the Secretary-General and Secretary for Foreign Affairs and Commonwealth Relations.

The Quaid-i-Azam appointed Governors in his discretion and three of the four Governors were British. In earlier chapters it has also been pointed out that the Governors in various Provinces acted as the Governor-General's agents, exercised considerable control over their respective Governments, and sent periodical, confidential reports to the Governor-General about their Provinces. Under Khwaja Nazimuddin the position was quite different. Soon after assumption of office, the new Governor-General had to appoint a new Governor of Sind since Ghulam Hussain Hidayatullah had died. The press communique issued by the Cabinet Secretariat contained a new and significant phrase. It said, "*On the advice of the Prime Minister,* (author's italics) His Excellency the Governor-General is pleased to appoint Mr. Din Mohammad, ex-Judge of the Lahore High Court, as Governor of the Province of Sind in the vacancy occasioned by the sad demise of Shaikh Ghulam Hussain Hidayatullah."[5]

The location of power had shifted not merely from the office of the Governor-General to that of the Prime Minister, but there was also a tendency in Provinces like East Bengal and the North-West Frontier Province for the Chief Ministers to assert themselves more and more in the executive field and to reduce the powers of their Governors. Just as the Prime Minister, being the leader of the majority party, wanted to be the Chief Executive with all the powers, the Governor-General being reduced to the position of a constitutional Governor-General like his counterparts in other Dominions, the strong Chief Ministers of stable governments like those of East Bengal and the N-W.F.P. were equally eager to play the role of strong and effective Executives in their Provinces. This is well borne out in the

case of the appointment of Lieutenant Colonel Sahibzada Muhammad Khurshed as Governor of the N-W.F.P. in succession to Sir Ambrose Dundas. On July 18, 1949 the Frontier Premier, Khan Abdul Qaiyum Khan, in an interview refuted the Kabul Radio statement that the appointment of Lt. Col. Sahibzada Muhammad Khurshed was a "strategical defeat" of his Ministry. The Frontier Premier declared, "It is a constitutional convention that every Governor is appointed in consultation with the Provincial Ministry in order to insure harmonious working of the administrative machinery."[6] Qaiyum Khan's assertion that the new Governor was appointed in consultation with the Provincial Ministry may be accepted, but there is no evidence to show that there was a clear constitutional convention that every Governor, either in the N-W.F.P. or in other Provinces, was to be appointed in consultation with the Provincial Ministry. Certainly the Quaid-i-Azam did not consult Qaiyum Khan when he appointed Sir Ambrose Dundas as Governor of the N-W.F.P. in succession to Sir George Cunningham.

Even though strong Chief Ministers like Qaiyum Khan of the N-W.F.P. and Nurul Amin of East Bengal were eager to use their full powers and reduce the position of their Governors to that of constitutional figureheads, yet one must always keep in mind the powerful position that the civil servants enjoyed. One often sees in the Debates of the East Bengal Legislative Assembly that the Ministers were constantly being criticized for having surrendered their powers to the permanent officials.[7] How strong and well-knit the Civil Service of Pakistan was, besides being centrally organized, is discussed in Chapter XII.

In a Province like West Punjab where responsible government had broken down in January, 1949, and Section 92A imposed, it was obvious that the authority of the Central Government was supreme. But this statement needs to be qualified. Liaquat Ali Khan, not being as dominant as the Quaid-i-Azam, had to rely on the support of the Provincial Muslim Leagues. In West Punjab, even though the Provincial Muslim League Ministry had been dismissed under Section

92A, the Provincial Muslim League wielded considerable power. First, it defied the Prime Minister and carried on its campaign against the Provincial Governor, Sir Francis Mudie, and in the end was successful in forcing the Central Government to agree to two of its basic demands, namely, appointment of a Pakistani Governor, and appointment of advisers to the Governor nominated by the Muslim League.

Similarly, in a Province like Sind, which suffered from chronic instability, and where different cliques dominated by landlords were engaged in a continuous scramble for power, Liaquat Ali Khan could often wield considerable power and influence. Here also the Muslim League, specially whenever it came under the hold of M. A. Khuhro, tried to defy the Central Government and the Central League Organization. But its defiance often did not last long because Khuhro often got into trouble under the Public and Representative Offices (Disqualification) Act, 1949, commonly known as the PRODA, because of his corrupt practices. Thus, in a Province like Sind, which by the end of 1951 had five Cabinets, two of which were headed by Khuhro, it was relatively easy for both Liaquat Ali Khan and the Governor, Din Mohammad, to exercise their control over the Provincial Ministry.[8]

The picture which emerges at this stage is that the Prime Minister had inherited most of the powers that the Quaid-i-Azam enjoyed as Governor-General. But Liaquat Ali Khan lacked the prestige of the Quaid-i-Azam, with the result that he had to rely on the support of the various Provincial Muslim League Organizations. The Quaid-i-Azam could literally order the Provincial Ministers to pay heed to their respective Governor's instructions or he could instruct his Governors to accept the advice of their Ministers. In the case of Liaquat Ali Khan the latter was easy but the former was not always possible.

FOOTNOTES

1. Khwaja Nazimuddin's Commission is included in Appendix II.
2. *Pakistan News*, September 15-21, 1948 (Karachi: Press Information Department), Vol. 2, No. 38, pp. 7-8.

3. Quoted by Hector Bolitho, *Jinnah Creator of Pakistan* (London: John Murray, 1954), p. 208.
4. *Rules of Business* (Karachi: Cabinet Secretariat, 1952). See pp. 15-16 and 39-46.
5. The press communique was issued on October 5, 1948. *Pakistan News*, September 22-November 2, 1948 (Karachi: Press Information Department), Vol. 2, No. 39-44, p. 12.
6. *The Civil & Military Gazette* (Karachi), July 19, 1949.
7. *Dawn* (Karachi), March 2, 1951.
8. It has been seen in Chapter VIII that before dismissing Khuhro on charges of corruption in April, 1948, the Governor, Ghulam Hussain Hidayatullah, had gone to the extent of re-allocating the portfolios against the wishes of his Chief Minister, Mr. Khuhro. When Yusuf A. Haroon became the Chief Minister on February 18, 1948, he consulted Liaquat Ali Khan in the matter of selecting his Ministers and allocation of portfolios. *Dawn* (Karachi), February 18, 1949.

# XI

## CABINET GOVERNMENT UNDER LIAQUAT ALI KHAN

Cabinet government in the United Kingdom was evolved after a long struggle between the Crown and the Commons. At first the Privy Council was the creature of the King and gradually, as the Commons established their ascendancy, it became responsible to the Parliament. Its successor, the modern Cabinet, though accountable to the Parliament, came to dominate the two Houses in such a way that a number of commentators have referred to the emergence of a Cabinet dictatorship. This happened mainly because the Parliament was too large a body to exercise leadership and formulate policy and also because of the growth of a well-disciplined party system. Both in the Parliament and in the Cabinet, the Prime Minister today occupies a pivotal position. He is the leader of the majority party in the House of Commons and presides over a still more powerful and united group, the Cabinet. So much prestige and power is associated with the Prime Minister in the United Kingdom that even a Prime Minister like Attlee had no difficulty in maintaining his leadership once he became Prime Minister. Similarly, politics is conducted at such a mature level in the United Kingdom and the discipline of the party is such that a Cabinet is seldom infected with intrigues.

In Pakistan, on the other hand, when Liaquat became the Prime Minister, there were hardly any traditions or conventions of Cabinet government. There had been a Viceroy's Executive Council which was not accountable to

any Legislature but answerable through the Viceroy to the Secretary of State. The brief experience of the Interim Government did not establish any traditions of Cabinet solidarity. It was a body of two feuding factions held precariously together by the Viceroy. Similarly, it could not be said that all the Members of Liaquat's Cabinet had been drawn from a party united on a programme and with a clear sense of discipline. Men like Ghulam Mohammed and Zafrulla Khan had become associated with the Muslim League only after they had been sworn in office. Thus, it was not surprising that Liaquat had to be wary of intrigues both against himself and against other Members of his Cabinet.

Senior Secretaries who were members of the Civil Service of Pakistan were inclined to feel superior to their Ministers both in training and experience of government administration. They had all been members of All-India Services like the Indian Civil Service or the Indian Audit and Accounts Service, etc. Ministers, on the other hand, with the exception of Liaquat Ali Khan, Zafrulla Khan and Ghulam Mohammed had not had much experience in public administration. Politicians in Pakistan bemoaned the fact that civil servants often over-stepped their authority with the result that Ministers became mere puppets in the hands of the civil servants. They often cited the example of the United Kingdom where there was a strict division of labour between Ministers and civil servants with Ministers formulating policy and the civil servants executing it. It was often forgotten that Ministers in the United Kingdom had long training both in their party and in the Parliament before they were promoted to Ministerial rank. Their experience of government and administration could seldom be considered inferior to that of their senior Secretaries.

It has often been said that perhaps next to Liaquat, the most important man in the Government of Pakistan was its Secretary-General, Chaudhri Mohamad Ali. He was the head of the entire Civil Service of Pakistan. He was also the Cabinet Secretary and Establishment Secretary. His principal duties during the early stages of the establishment

of Pakistan were even more important. He had been nominated by the Provisional Government of Pakistan to the Steering Committee of the Partition Council which consisted of two members, himself and H. M. Patel (representing India). The Partition Council was entrusted with the task of dividing the personnel, assets, and liabilities of the entire Government of India. The Steering Committee, through which ten Expert Committees submitted recommendations to the Partition Council, resolved most of the conflicts and disputes before they reached the Partition Council. Thus, Chaudhri Mohamad Ali was the natural choice for the post of Secretary-General when the Government of Pakistan was established. His first task was to set up the entire Secretariat of the Government of Pakistan. The terms of his appointment said that his principal assignment was to co-ordinate the work of the Secretaries in Ministries and that he would be responsible to the Prime Minister in the performance of his duties as Secretary-General and Cabinet Secretary.[1] Thus, he was both the eyes and the ears of his Prime Minister. Liaquat, one of whose eyes was defective, did not like to strain his eyesight by excessive reading of his files with the result that he came to depend on his Secretary-General who had already established a reputation for prodigious work in the Government of India. Thus, there was nothing significant that was outside the purview of his work. As Cabinet Secretary, he dealt with all the Cabinet papers and co-ordinated all the data on which Cabinet decisions were based. As Establishment Secretary, he dealt with the transfers and promotions of the entire Civil Service of Pakistan.

Liaquat Ali Khan had a plodding mind. He was by no means half as brilliant as the Quaid who could grasp the essentials of a situation and reach a decision quickly. Liaquat had the habit of sleeping over things until he saw the light after a good deal of cogitation. He was essentially moderate in his views and tolerant towards people's shortcomings. In the Cabinet meetings, he would sometimes allow his colleagues to drift and digress into irrelevancies.

Those who have taken a charitable view of this say that he believed in letting people get things off their chests. But unfortunately, people in Pakistan were often impressed by more imperious manners. Liaquat's tolerance and patience were sometimes regarded as signs of weakness. However it is seldom that a country is blessed with a succession of brilliant leaders. Perhaps after Jinnah's death, Pakistan needed more than anything else the tact and patience of Liaquat to consolidate what had been achieved and to compose the differences that were arising between the various Provincial groups in Pakistan.

## I. Cabinet Solidarity

### 1. *Cabinet Decisions by Votes*

It is often said that Cabinet government is government by committee. But there is a marked difference between the way a committee works and a Cabinet works. In a committee, whether it be of a Parliament or a local government, there can be wide differences of opinion between the members. Decision is reached by taking votes. If a member or group of members find themselves consistently in a minority, they do not resign but continue fighting for their cause.

The Cabinet is not such a committee for the simple reason that usually it is chosen from among the members of one party, united by a political programme or an ideology. There can be and are shades of opinion in a party ranging from the left wing to the right wing. These differences may also be reflected in a Cabinet. But the Cabinet works as a united team and Members who find themselves consistently at variance with Cabinet decisions have to resign. A Cabinet cannot afford to have conflicts among its Members because these conflicts can soon permeate the party ranks and thus bring about the defeat of the government in the House. Even if a Cabinet is supported by a big majority, there is the fear of a split Cabinet supported by a split party losing the next election.

Liaquat Ali Khan's Cabinet was not a very homogeneous

team. Ghulam Mohammed always regarded himself as a technical expert and not a party politician. He was originally from the Indian Audit and Accounts Service and had occupied posts ranging from those under the Government of India to those like the Finance Minister of the Government of Hyderabad and a Director of Tatas, the great Indian iron and steel company. Zafrulla Khan had been a member of the Viceroy's Executive Council and a Judge of the Federal Court in India. Mushtaq Ahmed Gurmani had been the Prime Minister of Bahawalpur State. Liaquat Ali Khan had never been a Prime Minister nor did Pakistan have any traditions of Cabinet government. Under the Quaid-i-Azam, the Cabinet was like the Viceroy's Executive Council. Liaquat Ali Khan, not possessing the same domineering personality as that of the Quaid-i-Azam, and with a Cabinet which had its own strong men not bound by long-standing loyalties to a party or an ideology, could not obviously follow the example of his Quaid-i-Azam.

The author has gathered fairly clear evidence to show that most of the Cabinet decisions in Pakistan were taken by votes. Similarly, when Ministers of State were appointed it was made clear to them that they could attend meetings of the Cabinet but were not entitled to vote on Cabinet decisions. This meant that in a Cabinet, which was not very homogeneous to start with, a further divisive factor like vote taking would deepen the already existing differences in a Cabinet. It is conceivable that a large Cabinet may take decisions by votes, but there was no reason why a small Cabinet like that of Liaquat Ali Khan, which never exceeded eleven members, should resort to taking votes unless there were always unaccommodated differences on matters standing for immediate action.

A Cabinet functions like a committee, united by a common party programme and led by a Prime Minister who even when he does not possess a strong personality is still *primus inter pares*. There is a sort of Rousseau's General Will permeating the Cabinet and the decisions announced by the Prime Minister express this General Will. To carry the analogy further, a Cabinet decision is not necessarily

always a majority decision. It has been known that when a majority in the Cabinet does not agree with the views held by the Prime Minister or by some of the senior Members of the Cabinet, the Prime Minister waits until the Cabinet gets tired and is prepared to accept his views. The Prime Minister should be ready to seize this opportunity and declare that a decision has been reached. In this connection Patrick Gordon Walker's testimony may be quoted:

> "Here again the word "decisions" may be misleading. There are no resolutions or set propositions before the Cabinet, no voting system—just talk. Members discuss until a consensus is arrived at. When he thinks fit, the Prime Minister will sum up the views of his colleagues as they have emerged—a summary which may not altogether coincide with the opinions that he himself has expressed. Silence signifies assent—not necessarily precise agreement, but acceptance of the prevailing view."[2]

2. *Differences in the Cabinet*

The first indication that one gets of the emergence of rifts and rivalries in the Cabinet is from a report published in *The Times* of May 16, 1949. Talking about the growth of increasing anti-British feeling in Pakistan, and especially the campaign of the West Punjab Muslim League against Sir Francis Mudie, *The Times* said: "Observers feel that in recent weeks personal rivalries and opportunism in high places have so increased that there is serious danger of the present Government being challenged and possibly replaced by a cabal which would wield power to further its own ends."[3] *The Times* again wrote in its issue of July 7, 1949: "When Mr. Liaquat Ali Khan, the Prime Minister, left for England to attend the Conference of Commonwealth Prime Ministers, there was a united Central Government in Pakistan. On his return he found that the authority and prestige of the Central Government had been weakened by the formation of several cliques."[4]

The above reports were vehemently contradicted by

*Dawn*. *Dawn's* political correspondent reported: "As for the kite-flying by the London *Times*, three Ministers and half a dozen high ranking officials shrugged their shoulders contemptuously when they were told of it."[5] In an elaborate editorial *The Times* was castigated "for having developed the habit of seeing ghosts" in Pakistan. Among the facts that *Dawn* produced to refute the reports published in *The Times*, it did not show any convincing evidence to prove that there were no rifts in the Pakistan Cabinet.

There were also insinuations in certain sections of the press that a tug-of-war was going on between the Ministry of Finance and the Ministry of Refugees and Rehabilitation. The reports also suggested that the Ministry of Finance was always winning in this tussle. However, these reports were denied by officials of the Ministry of Finance. "No major scheme for the rehabilitation of refugees has ever been turned down by the Ministry of Finance, the circles (official circles) observed."[6]

Devaluation seems to have been a crucial issue on which serious differences of opinion arose in the Cabinet. On this issue the tussle was between Fazlur Rahman, the Minister of Commerce and Education, and Ghulam Mohammed the Minister of Finance and Economic Affairs. Fazlur Rahman won on this issue. He seems to have been supported by the Prime Minister and the majority of Cabinet Ministers while Ghulam Mohammed seems to have had Zahid Husain, Governor of the State Bank of Pakistan, and Sardar Bahadur Khan, the Minister of Communications, on his side.

The decision not to devalue the Pakistan rupee was finally taken on September 20, 1949. The decision was taken by the Cabinet after over twelve hours of discussion lasting for three days. The Finance Minister, Ghulam Mohammed, was away in the United States during that time and was presumably consulted on the matter before the decision was taken. Before the decision was taken, Zahid Husain, Governor of the State Bank of Pakistan, was consulted by the Prime Minister and was also present in the Cabinet when the decision was finally reached not to devalue the

rupee.[7]

It was on August 31, 1950, when Ghulam Mohammed was leaving for Paris to attend a meeting of the International Monetary Fund, that rumours started that Ghulam Mohammed wanted the Pakistan rupee to be devalued. These rumours were set in motion by Ghulam Mohammed's statement which he made when leaving Karachi for Paris on August 31. He said, "There is a dearth of informed opinion which can study economic questions such as the ratio of the Pakistani rupee in a detached manner." He added that Pakistanis should study "such delicate economic questions in a detached, scientific manner and one should not allow oneself to be warped or guided by sentiments and ideas of prestige and politics."[8] In London, Ghulam Mohammed again is reported to have said that Pakistan had not regarded and should not regard her exchange ratio for the rupee as a political question.[9] The B.B.C.'s broadcast of its overseas and home services on September 6, 1950, quoting the B.B.C. correspondent in India and Pakistan, said, "Indian newspapers are inclined to see in this statement of Pakistan's Finance Minister that the future rate should not be influenced by feeling of national prestige and that Pakistan is willing to accept a partial devaluation."[10]

*Dawn* at once took up the cudgels on behalf of the non-devaluationists. It produced what it called the most authoritative evidence and tried to show how on strictly economic grounds it would be harmful to devalue. Even the business community, it said, was against devaluation though it stood to gain huge profits from devaluation. But, according to *Dawn,* the business community refused to listen "to the siren voice of Mammon". Ghulam Mohammed was the villain who listened to the dictates of imperialist powers. In its editorial, "Our Rupee—II", *Dawn* pointed out that if Pakistan did not devalue, trade between India and Pakistan would be at a standstill. This would mean that India would suffer and would soon fall victim to or be attracted by Communism. Therefore, *Dawn* thought that Pakistan was being called upon to devalue in order to satisfy the game of power politics of the imperialist

powers.[11] Similarly, Ghulam Mohammed was also in favour of devaluation because the World Bank would not offer a loan without devaluation. The financial correspondent of *Dawn* wrote: "The view of which the Finance Minister is known to be the main proponent, that for the sake of a loan from the World Bank a partial devaluation of the Pakistan rupee, if suggested by the I.M.F. should be accepted by Pakistan, finds little or no support in Karachi."[12]

*The Round Table* also in its issue of October, 1950, wrote: "It is by now common knowledge that the Pakistani Finance Minister, Mr. Ghulam Mohammed, was prepared for a partial devaluation of the Pakistani rupee when he went to Paris for the meeting of the I.M.F., and that the Indian Finance Minister was ready to accept a rate equal to about 1s. 9d. if the I.M.F. so decreed."[13]

Sardar Bahadur Khan also, according to *Dawn*, was convinced that devaluation was imminent. "Being thus 'hopelessly badly misinformed' he is reported to have given panicky instructions (verbally of course) to some of his officers to book foreign exchange immediately for the purchase of railway stores."[14] Liaquat Ali Khan, the Prime Minister, tried to stop all rumours about the impending devaluation in his speech in a public meeting on Monday, September 11, 1950. "We have told the Fund in clear terms, supported by full facts and figures, that the present value of our rupee is the right rupee and that we see no reason for altering it. Let me hope this clear statement will put an end to speculation and restlessness."[15] *Dawn*, in its editorial, "Our Rupee—III", wrote, "There is therefore no more need to feel nervous on this score . . . The interest of the nation has always been safe in the hands of Mr. Liaquat Ali Khan and his Cabinet, whatever might be the predilection of some self-opinionated Minister now and then. The future of the rupee can be safely left in those hands."[16]

Fazlur Rahman was a staunch advocate of non-devaluation. *Dawn* gave great prominence to Fazlur Rahman's speech to the Foreign Trade Development Council in Karachi, in which the Commerce Minister tried to prove that

non-devaluation had been extremely beneficial to Pakistan. The Prime Minister's and Fazlur Rahman' statements were given front page headlines by *Dawn*. Ghulam Mohammed had been openly castigated, but the day of triumph for Fazlur Rahman was yet to come. The Korean War helped Pakistan considerably because there was a boom in the world market for primary products, and at higher prices, because of non-devaluation, Pakistan earned more foreign exchange than it would have had if it had devalued.

The triumph for the non-devaluationists came when India agreed to sign a trade agreement with Pakistan on February 26, 1951. It was also announced that the Government of India had agreed that exchange transactions between India and Pakistan would be permitted on the basis of the par value of the Pakistani rupee as declared by the Pakistan Government. Fazlur Rahman received *Dawn's* warm congratulations in its editorial entitled, "Credits for our rupee's triumph." *Dawn* also revealed:

> "Here it seems necessary to lift the veil somewhat on the inwardness of the situation which had then prevailed. In coming to a decision whether to devalue or not to devalue, the Prime Minister and the Cabinet had not only to contend with various external factors but they had also to take into account an internal expert opinion favouring devaluation which was held by one from among themselves. To make matters more complicated, another high financial authority whose advice the Cabinet had also sought, is believed to have held the same view. But, among those to whom the nation had entrusted the conduct of its affairs there were others who maintained the opposite viewpoint and marshalled facts, figures and arguments that eventually won the day. The most vigorous spokesman of this section was the Minister of Commerce."[17]

It is noteworthy that when *Dawn* spoke of an "internal expert opinion favouring devaluation which was held by one from among themselves" in the above editorial, it was referring to Ghulam Mohammed. "Another high financial authority whose advice the Cabinet had also sought" and

who "is believed to have held the same view" was Zahid Husain.[18]

Thus, it was obvious that so far as the issue of devaluation was concerned the Pakistan Cabinet, to use the phrase of Lord Melbourne, Queen Victoria's first Prime Minister, was not 'all in the same story'. It had become an open secret that the outspoken opponent of Ghulam Mohammed in Cabinet meetings on economic and commercial matters was Fazlur Rahman. Ghulam Mohammed could not claim that he had all the facts on his side because he had been a financial expert for a long time or because he had produced successive surplus budgets because there was Fazlur Rahman, a lawyer by profession, who would often put forward an opposite point of view with equal vigour and tenacity. Liaquat Ali Khan was the moderating influence and used to keep peace between his Ministers.

Thus, though Ghulam Mohammed was perhaps the strongest Minister next to the Prime Minister in the Cabinet, it was obvious that Fazlur Rahman was asserting himself and building up his position. Specially after the devaluation controversy, his prestige had improved considerably. It was becoming apparent that once Ghulam Mohammed and Fazlur Rahman agreed on an economic or commercial policy the Cabinet could easily arrive at a decision. Sometimes when there was agreement between these two Ministers there was not even a need for a Cabinet meeting. Thus, in October, 1950, it was decided that the Pakistan Government would purchase jute at fixed prices ranging from Rs. 21 to Rs. 30. This decision was taken because of India's refusal to buy Pakistan jute at the higher Pakistan prices which existed because of non-devaluation of the Pakistan rupee. This was announced by Liaquat Ali Khan, in Dacca, where he had summoned Ghulam Mohammed and Fazlur Rahman for consultation. Nurul Amin in a broadcast on October 30, 1950 said: "Thanks to the presence of Finance Minister, Ghulam Mohammad, and Commerce Minister, Fazlur Rahman, in the city, the Prime Minister was able to declare a policy the Pakistan Government has decided to pursue with regard to jute."[19]

Liaquat Ali Khan had also to arbitrate in the disputes that used to take place between Ghulam Mohammed, the Finance Minister, and East Bengal Ministers. During every General Budget Discussion, the Finance Minister was attacked by East Bengal Members of the Constituent Assembly that he was not being fair to the interests of East Bengal. Towards the end of May, 1949, a conference attended by the Finance Minister of East Bengal, Hamidul Haq Chowdhury, the Chief Minister of East Bengal, Nurul Amin, the Finance Minister of the Central Government, Ghulam Mohammed, and the Prime Minister, Liaquat Ali Khan, was held in Karachi. This conference was called to settle the differences between the East Bengal Government and the Central Finance Department regarding interpretation of an earlier agreement on East Bengal's share of various taxes, such as duty of jute and sales tax. The East Bengal Government had requested the Prime Minister's intervention for proper adjustment of these taxes. H. H. Chowdhury, the Finance Minister of East Bengal, said in a statement at Dacca on June 2, 1949 that while no decision could be reached on the vexed question of East Bengal's share in the jute export duty, it was expected that East Bengal would get her full share of this tax for the year 1948-49 pending a final settlement. He added that the Prime Minister, Liaquat Ali Khan, was "most helpful and sympathetic in having a fair settlement of the Provincial claim on these taxes."[20]

## II. Cabinet Government as Parliamentary Government

### 1. *Role of the Opposition*

In a House of 69 Members the Hindu Congress Opposition constituted 12 Members in all. There were two Independent Members, Mian Iftikharuddin and Sardar Shaukat Hyat Khan. Khan Abdul Ghaffar Khan, who opposed the Muslim League, was in prison. It may be noted that in 1949 the size of the House expanded to 79 Members as the result of the Constituent Assembly creating five more seats for West Punjab and one for Sind. Four seats were given to Bahawalpur, Khairpur, the Baluchistan and the N-W.F.P.

states. These were filled through nomination by the rulers.

The Congress Opposition, whenever possible, played a fairly constructive role and this was conceded even by the Government. During the General Budget Discussion of March 4, 1949, Liaquat Ali Khan said, "I should like to compliment the members of the Opposition on the sobriety and the dignity of their criticism as a responsible Opposition."[21] But unfortunately the Congress Opposition consisted entirely of Hindu Members who had always staunchly opposed the formation of Pakistan. Thus, from the beginning they were held in suspicion.

Every time the Opposition exacerbated the Government by pointing out the mounting defence expenditure and tried to convince the Government that the great Indian leaders like Nehru had no evil designs against Pakistan they were plainly told that their primary loyalty was to India and its Congress Party. The Government could plead in its defence that the Opposition had not yet transformed itself into a loyal Opposition, that they still harboured resentment and bitterness against the Muslim League. Thus, Ghulam Mohammed, during the debate on the Pakistan Finance Bill, replying to the criticisms of B. K. Datta, said:

> "My Honourable friend belongs to a Party which owes allegiance to a Party situated in another Dominion and which is concerned with the affairs of another Dominion. . . To his own friends, to his own compatriots, to the people of his own way of thinking and people with whom he has fought shoulder to shoulder, let him take this message to them and tell them: 'Look here. Pakistan wants peace. We are assured by the highest authority that Pakistan has no intentions otherwise than of peace and of goodwill. You should also now realize your responsibility."[22]

The Opposition were also reminded of the way the Muslim minority was being treated in India and told that the Pakistan Government by comparison treated its minorities much better. Thereupon B. K. Datta complained, "We do not belong to India; we are not responsible for what is

happening in India; and India is not our ideal and should not be our ideal. . . It really hurts our feelings. We think that we are not trusted. I would say with all the emphasis at my command that this distrust must be uprooted and must be removed. We really belong to Pakistan."[23]

During the General Budget Discussion in March, 1950, the Congress Hindu Opposition pointed out in the Legislature that the one problem that was uppermost in the minds of the Opposition was the insecure position of the minorities in East Bengal. Although it was a Budget Discussion, the Hindu Members and specially B. K. Datta did not discuss any of the Budget proposals and concentrated their criticisms on the problem of minorities in East Bengal. Datta also complained while he was being interrupted during his speech that his loyalty was being doubted. The Congress Opposition did not take part during the rest of the Budget Discussion. Mr. Chattopadhyaya, (Leader of the Opposition) in a statement that he made in the House explaining as to why the Opposition had not been taking part in the Budget Discussions said, "A speech was made by my friend, Bhupendra Kumar Datta, on behalf of my Party. Then we found that there was some sort of bitterness generated during the subsequent debate. Therefore, we kept quiet to avoid further bitterness, ill-feeling and embarrassment, but some have interpreted this silence as if we are non-co-operating here."[24]

What was obvious was that in such an atmosphere surcharged with suspicion and bitterness, the Congress Hindu Opposition could neither play an effective nor constructive role. In addition to communal riots breaking out in both the Dominions and embittering the relationship between India and Pakistan, there was the Kashmir problem which had so far defied any amicable understanding between the two countries. One must also point out that it was difficult for the Government to trust the Opposition Members wholeheartedly when they did not normally reside within the country. Thus, it was pointed out in the East Bengal Legislative Assembly that some Members of the Opposition came from Calcutta to Dacca just on the day the Assembly

opened and then went back to Calcutta again after the Assembly was over.[25] This made it easy for the Muslim League Members to taunt the Opposition every time they spoke against the Government that their speeches had really been prepared in India according to a well laid out plan. No less a person than Khwaja Shahabuddin, the Minister of Interior, made such an insinuation.[26]

The main Opposition in the Legislature came from Muslim Members themselves. There were two Muslim Members who were determined to oppose the Government at any cost and at least one of them gave the impression that he had ideological differences with the Government. The two Members who constantly criticized the Government in this fashion were Mian Iftikharuddin and Sardar Shaukat Hyat Khan. Mian Iftikharuddin, a big landlord from West Punjab who regarded himself as a Socialist, but was suspected by some Government Members of being a Communist, criticized the Government bitterly for not raising the standard of living of the people, for not socializing industries, and for not leaving the Commonwealth. Most of this criticism was not taken seriously by the Government.

Most of the effective criticism came from Members from East Bengal. They complained that East Bengal was being neglected, that the Central Government had encroached on Provincial sources of revenue, that there were no military or naval academies in East Bengal, etc. The target was usually the Finance Minister, Ghulam Mohammed. The main argument of East Bengal Members was that East Bengal had the majority of population of Pakistan and therefore it should be treated at least as well as other Provinces. Abul Kasem Khan said:

> "We find that in this six-year plan, the total sum allocated to East Bengal where 56 per cent. of your people live, is less than 3 per cent. Under the Head, Agriculture, provision has been made for 82 crores and a sum total of all the projects envisaged for East Bengal is only 66 crores. Under the Head, Development of Hydro-Electric Power, a provision for 45 crores has been made and the share of East Bengal is only 5 crores. Under the Head,

Industries, provision has been made for textile industries to the tune of 30 crores and the provision for jute industry is only 11 crores."[27]

These criticisms were made during General Discussion of the Budget, 1951-52. It was during this Discussion that Nurul Amin, the Chief Minister of East Bengal, launched his bitter attack on the Finance Minister whose policy he described as "strangulation of Provinces". Nurul Amin was hailed by the Opposition Leader, Chattopadhyaya, as an "addition to the strength of the Opposition". This was one of the best debates that had ever taken place in the Legislature. The Members from East Bengal had marshalled their facts and figures and were determined to embarrass the Finance Minister as much as they could. However, the Finance Minister pointed out that the bulk of the revenues of the Centre were derived from West Pakistan and that the incidence of taxation, both Provincial and Central, was lower in East Bengal than it was in West Pakistan.

Another debate in which Members from East Bengal and particularly Nurul Amin, the Chief Minister, supported the Opposition was the one which took place on the Resolution moved by D. N. Dutta regarding failure of the Central Government to secure reasonable prices to jute growers of East Bengal. Nurul Amin pointed out that the major burden of non-devaluation had been borne by the East Bengal jute growers. He said:

"At present they are not receiving proper price at their homes. Although Government is trying its level best to ensure fair price to the growers, all these attempts are being made in a leisurely way as if this is a matter which can be dealt with in a normal manner. The Government of Pakistan has to realize that if they have to win an economic war they have to plan and execute their plans on a war basis. . . Now, Sir, I am surprised to find that when such an important subject is being discussed in this House the House is almost empty, particularly the Treasury Benches, which are deserted. The Commerce Minister has been left alone to plow his lonely furrow."[28]

Thus, it seems that the Muslim League Government was

facing opposition from the East Bengal Muslim League Members. What is to be noted is that the Hindu Congress Opposition, being so ineffective, debates in the Legislature were being conducted not so much on parliamentary lines as on federal lines. In a normal parliamentary democracy it is the Opposition which either tries to defeat the Government in the House or tries to educate and persuade the electorate to return it to power in the next election by its criticisms in the House. There was no immediate likelihood of this pattern of politics being developed in Pakistan. It was inconceivable that an ineffective and feeble Opposition of Hindu Members would defeat the Government in the House. Nor was there any likelihood of the Central Government being defeated by the Opposition in the next election. Politics in Pakistan were still being conducted on communal lines, and therefore the Hindu Congress Opposition could not defeat a Government backed by the powerful majority of Muslims. What was possible was that the discontented Muslim League supporters in East Bengal would turn against both the Central and Provincial Muslim League Governments. This was what happened in the Provincial elections in East Bengal in April, 1954.

### 2. *Government and the Legislature*

One often wonders how seriously the Government regarded the Legislature. With the exception of the Prime Minister, Liaquat Ali Khan, no Minister had had much parliamentary experience. Some of them, like Ghulam Mohammed, who had had a Civil Service background, regarded the Legislature as a necessary nuisance with which one had to put up. In any case it could not cause any harm to the Government because of the non-existence of a strong and effective Opposition. Sir Zafrulla Khan, though an extremely able and persuasive speaker, did not have enough time to display his talents in the House. He made his attitude quite clear by making his appearances in the Legislature as rare as possible.

Perhaps some of these Ministers thought that lengthy and elaborate processes of parliamentary government were

not really suited to the needs of a country like Pakistan. From its very inception the administration had been saddled with formidable difficulties. Was it worthwhile to tie one's hands and restrict one's initiative by adhering to the precedents and traditions of a parliamentary government? The basic needs of the country were quite clear. Rapid industrialization with a view to raising the standard of living of the people was the prime objective. The Government knew how these objectives were to be attained. There could not be much room for discussion or criticism when the objectives were so clear. "We now do not require tub-thumping politicians", said Ghulam Mohammed. "What we require is sound men, workers capable of bringing constructive attitude of mind on various problems of national reconstruction in the social and economic spheres."[29]

How seriously the Government treated the Legislature was made clear by Firoz Khan Noon during the General Discussion on the Budget of 1949-50. He said:

> "I ask the Government Ministers to put their hands on their hearts and ask themselves this question. This Honourable House is supposed to consist of 69 Members. I want the Honourable Ministers to analyse the situation. Sometimes when I sit in a party meeting, I see round the table fourteen persons holding offices and only six persons who are free. In this House, Sir, there are six seats which are today vacant. Two of them are dead—Mr. Roy and Mr. Abdul Matin Choudhry. One has become a Diplomat. One has been removed. One is in jail and the sixth one is half in jail and half out of it. We do not know what will happen to him. So there are six seats which are vacant. Another six seats are vacant in the Punjab Legislature which does not exist now. I do not know how they will be filled. There is one seat vacant in Sind which may be abolished like the Punjab before long. These seats are gone out of 69, and out of the rest there are twenty who are holding offices either in the Central Government or in the Provincial Governments. So that gives you 36 and then there are twelve Hindu gentlemen

on our right, with the result that you are left with only 24 non-official Members in this House to look after the destinies of a country of 80 million people, and one of these, Fazlul Haq, and one more never attend."[30]

It was doubtful whether many of the 36 non-official Members took an active interest in the proceedings of the Legislature. There had been complaints that many Members were usually absent. About this *Dawn* in an editorial wrote: "As for those who have more important work elsewhere, the honourable course for them to follow would be to resign their seats and make room for others who can give their undivided attention to the interests of the nation." The editorial also complained: "Of late, particularly during the current Budget session, the debating standard of this Parliament has been brought down by some members to that of a college society. Without mentioning names, several repartees have been of too personal a nature, several definitely below accepted Parliamentary standards of taste."[31]

Some Members on their part complained that they often did not know what was happening in the House. Mr. Islam complained that it was difficult for Members to follow amendments to an Act when they did not know what the original Act was about. He requested the President that a ruling be given by him that when an amending Bill to an Act was being moved, Members must be supplied with the text of the original Act. "I doubt very much whether many of us compare the amendments with the original Acts." He asked whether Members were expected to support motions blindly. The President appreciated the difficulties of the Members but was not prepared to say anything definite about it at that stage.[32] Similarly, every year during the Budget Session, the Government was in a great hurry to get all the Demands passed as soon as possible and it was not possible for Members to examine even a few of them thoroughly. According to *Dawn*, 62 demands were passed on March 8, 1948 in 20 minutes, 19 seconds. Thus millions of rupees were sanctioned without the House knowing accurately how they were going to be disbursed. Thus, when Demands of the Budget, 1951-52, were being voted for

M. H. Gazder said:

> "I strongly demand that our Budget must give details of expenditure if this House is to be made responsible to the people for sanctioning that expenditure. You look, Sir, anywhere and do not find any details. You look, Sir, at page 23—Foreign Affairs—and the only broad details given are:
>
> | | |
> |---|---|
> | Embassies and Missions Abroad | Rs. 1.33 crores. |
> | Contributions to U.N. and other International Organisations | Rs. 20 lakhs. |
> | Other items | Rs. 16 lakhs. |
>
> This comes to a rough total of 1.69 crores—there are no other details—and we are required to sanction that. I strongly demand, Sir, in the name of the people of Pakistan that we should know how this money is being spent."[33]

The committee system that was adopted in the Legislature was based on the French model. To each of the Ministries was attached a Standing Advisory Committee consisting of five members. The members of these Committees were elected and it was expected that the members would be either specially qualified or interested in advising the Ministry concerned. It seems most of these Committees never met, although they were elected every year. A typical example was that of the Standing Advisory Committtee of the Ministry of Commerce. Ahmed E. H. Jaffer, who was a member of this Committee, complained that "Government, leave aside the question of consulting them, have never held even a single meeting of this Committee to advise them". The terse reply of Fazlur Rahman, the Minister of Commerce, was, "When the meeting was called, no member attended it."[34] In March, 1951, when motions regarding elections of members to the various Standing Committees were being moved, Sardar Shaukat Hyat Khan pointed out:

> "Sir, for the last two years these Standing Committees have been elected; the time of the House is wasted; papers (*sic*) is wasted, electoral paper and proposal forms are wasted; these Standing Committees remain standing and nothing happens. Our Ministers are all-knowing and

they do not need any advise (*sic*). Why then go to the trouble of wasting the time of the House and electing members for the year?"[35]

The only Standing Committee that attempted to do some work was the Standing Advisory Committee to the Ministry of Finance. It corresponded to the Select Committee on the Estimates of the British House of Commons. But it looks as if this Committee was usually called by the Finance Minister to advise him a few weeks before he presented the Budget. The object presumably was to minimize opposition to his budgetary proposals in the House. Thus, in 1951, the Standing Finance Committee met on March 10, that is nine days before the Budget was presented for the year, and again on March 17, two days before the Budget was presented for the year. The Committee, in its meeting on March 10, examined the Departmental witnesses on the proposals submitted by the various Ministries of the Pakistan Government. On March 17 the Committee considered certain items of expenditure to be provided in the Revised Estimates for the year 1951-52 and Budget Estimates for the year 1951-52. The schemes considered by the Committee included the establishment of the Central Fisheries Department, West Pakistan; additional staff required for the Purchase Branch of the Department of Supply and Development; Pakistan's aid to Korea; starting woollen industry in the N-W.F.P., Baluchistan and Tribal Areas; and establishment of an anchorage on the Pusser River in East Pakistan. The capital programmes of the Pakistan Railways and of Pakistan Post and Telegraph Department and items like expenditure on the Hardinge Bridge on the East Pakistan Railway were also examined and approved by the Committee.[36] This was two days before the Budget for 1951-52 was presented. It is obvious that all this was done in a great hurry and one wonders whether there was a thorough discussion of any of the schemes examined by the Committee. The Finance Minister and his officers must have been eager to get through most of the schemes as soon as possible as they were busy preparing the Budget.

Moreover, it was obvious that the Committee was dominated by the Finance Minister, who was its Chairman, and who was also assisted by his officials. No doubt the Committee examined Departmental witnesses who were officials on proposals submitted by the various Ministries, but since the members could not be expected to be as well-informed as the officials, and as all this was being done in a hurry, it merely meant that the Committee could not examine the Budget estimates thoroughly. As has been pointed out earlier, the Finance Minister and his officials probably used the Committee to 'nobble' the influential and potential critics of the Budget.

The Legislature also had its Public Accounts Committee. It did not fare better than the Standing Advisory Committees. In order to examine the accounts for 1947-48 and 1948-49 the Public Accounts Committee met in September, 1952, that is, after a lapse of three years. The Report of the Committee revealed:

> "In certain cases the Secretaries of the Ministries concerned did not attend the meetings for one reason or other. We had a general feeling that some of the Ministries did not attach the same importance to the deliberations of the Committee as should have been done by virtue of its being a Committee of the Legislature. We recommend that in future the departments should as far as possible be represented by Secretaries/Joint Secretaries. . ."[37]

While discussing the Report of the Public Accounts Committee on the accounts of 1947-48 on November 11, 1953, Ahmed E. H. Jaffer complained that the Foreign Minister had not been courteous enough to reply to his letter in which he had asked for the Audit Report of the Ministry. Ahmed E. H. Jaffer was not only a member of the Public Accounts Committee but also a member of the Standing Advisory Committee for the Ministry of Foreign Affairs. His letter was answered by an Under Secretary and he was told quite plainly that the Ministry would not give him that Audit Report.[38]

Thus, it was apparent that Pakistan, in theory, had

adopted Western parliamentary institutions. But this theory remained enshrined only in the Rules of Procedure. It was rarely translated into practice. Pakistan had its ceremonial Opposition in the Legislature, Standing Advisory Committees, its Debates, Budget Discussions, Motions for Adjournment, etc. But as has been shown, there was a wide divergence between theory and practice.

### III. Concluding Remarks

In this Chapter the author has tried to show how Cabinet government under Liaquat Ali Khan worked both in its administrative and parliamentary aspects. The author has been mostly unsparing in his criticisms and this is likely to create the impression that he has ignored on one hand the solid achievements of the Prime Minister, Liaquat Ali Khan, and on the other the difficulties with which the Prime Minister wrestled during the formative period of Pakistan's political existence. This was not the intention of the author. What the author has tried to show is that in order to operate a democratic government it is not enough to adopt Western democratic institutions and practices wholesale overnight, for success in running a democratic government depends entirely on adapting and using these institutions efficiently and conscientiously. It is certainly true that four years was not a long time for these foreign institutions to take deep roots in the soil of Pakistan. But it was obvious that they would wither and lapse into desuetude if the Ministers and Members of the Legislature in Pakistan neglected them deliberately.

The author has also tried to show that part of the explanation as to why democratic institutions could not work efficiently in Pakistan lies in the fact that Pakistan, ever since its establishment, was faced with one kind of emergency or another. According to Walter Bagehot, one of the most essential prerequisites of an elective government is "a calm national mind." Pakistan's birth was marred by communal strife which brought about suffering and misery to millions of people, and, according to Pakistan's leaders, its existence was constantly being

challenged by India. Obviously, such a climate was not admirably conducive to the growth of democracy. Similarly, in such circumstances it was hardly likely that the two-party system would emerge in Pakistan.

The majority party which ran the Government was organized on religious and communal lines. This party, with its enormous prestige for having established the State of Pakistan, claimed that it should remain in power to consolidate the newly established State. As will be seen later, anyone who challenged the supremacy of the Muslim League was termed a traitor. Further, the Muslim League also claimed that it was the only party which could establish an Islamic State in Pakistan. It was very difficult, if not impossible, for any other party to stage an opposition against such a formidable array of claims, which perhaps many people believed would soon be clothed in reality.

But it is not fair to stress merely the negative aspects of the Prime Minister's achievements. Liaquat Ali Khan achieved a considerable measure of success in reorganizing the hastily organized Cabinet of Quaid-i-Azam's time. Here he showed both skill and patience. To marry claims of efficiency with claims of federalism in the organization of a Cabinet has been a perplexing problem in some federal countries. Thus, in Liaquat's Cabinet, East Bengal and West Punjab were equally represented with four Ministers each; Sind and the North-West Frontier Province were represented by one Minister each. One can also detect federalism even in the matter of allocation of portfolios. If Ghulam Mohammed had Finance and Economic Affairs, the interests of the jute industry of East Bengal were safe in the hands of Fazlur Rahman who had the Commerce portfolio. In paying heed to the claims of Provinces for representation in the Cabinet, Liaquat Ali Khan did not discard the claims of men of talent and experience.

Similarly, the Prime Minister attached equal importance to a sound organization of the Cabinet Secretariat and other important Ministries. He could not keep British Governors in the Provinces as the Quaid-i-Azam could. But the Prime

Minister displayed considerable courage in retaining the services of some of the British civil servants. He was under constant fire in the Assembly for his alleged soft corner for civil servants.

The author has criticized the Prime Minister for taking Cabinet decisions by votes. It has also been pointed out as to how this system might have increased the existing differences in the Cabinet. In this connection, it must be borne in mind that the Prime Minister did not enjoy the support of a Govenor-General like the Quaid-i-Azam for a long time. If the Quaid-i-Azam had remained alive for a few more years, this would have certainly helped the Prime Minister to keep his Cabinet united and a strong Cabinet would have emerged. But what was surprising was the commendable manner in which the Prime Minister kept his Cabinet under his control despite these handicaps. It has been seen that the Prime Minister had to keep peace between strong Ministers in his Cabinet who were not united by any long-standing loyalties to the Muslim League. Here his moderating influence, his belief in compromises, and his popularity with the masses, helped him immeasurably.

FOOTNOTES

1. Note from the Cabinet Secretariat to the author.
2. Patrick Gordon Walker, "Inside the British Cabinet", *The New York Times Magazine*, June 3, 1956, p. 33.
3. *The Times* (London), May 16, 1949.
4. *Ibid.*, July 7, 1949.
5. *Dawn* (Karachi), July 9, 1949.
6. *Ibid.*, August 8, 1950.
7. *Dawn* (Karachi), September 20, 1949, and also *ibid.*, September 21, 1949.
8. *Ibid.*, September 3, 1950.
9. *Ibid.*, September 5, 1950.
10. *Ibid.*, September 9, 1950.
11. "Our Rupee—II", *ibid.*, September 7, 1950.
12. *Ibid.*, September 9, 1950.
13. *The Round Table*, 1950-51, Vol. 41, p. 81.
14. "A Minister's lapse", *Dawn* (Karachi), November 26, 1950.
15. *Dawn* (Karachi) September 13, 1950.

16. *Ibid.*
17. *Ibid.*, March 1, 1951.
18. A feud had been going on between Zahid Husain and the editor of *Dawn*. Zahid Husain, in a recorded speech on October 1, 1950 on the occasion of the inauguration of the *Evening Times* in Karachi made a pointed attack on the editor of *Dawn* when he said that a journalist in Pakistan felt fully competent to guide the nation on all subjects ranging from art and music to banking and finance. "There are no limits to the china shop in which he can enter with or without invitation. What a blissful state. The less you know everything the more you are prone to feel that you know everything and play the mentor." *Dawn* (Karachi), October 18, 1950.
19. *Dawn*, (Karachi), October 31, 1950.
20. *The Civil & Military Gazette* (Karachi), June 3, 1949.
21. *Constituent Assembly (Legislature) of Pakistan Debates*, 8th March, 1948, Vol. I, No. 9, pp. 381-382.
22. *Constituent Assembly (Legislature) of Pakistan Debates*, 8th March, 1948, Vol. I, No. 9, pp. 381-382.
23. *Ibid.*, 4th January, 1950, Vol. II, No. 6, p. 302.
24. *Ibid.*, the 20th March, 1950, Vol. I, No. 6, p. 198.
25. *Dawn* (Karachi), March 11, 1951.
26. *Constituent Assembly (Legislature) of Pakistan Debates*, 16th March, 1950, Vol. I, No. 3, pp. 60-61.
27. *Ibid.*, 24th March, 1951, Vol. I, No. 4, pp. 225 & 227. A crore is equal to 10 million.
28. *Ibid.*, the 3rd October, 1950, Vol. II, No. 3, p. 201.
29. *Dawn* (Karachi), May 4, 1951.
30. *Constituent Assembly (Legislature) of Pakistan Debates*, 2nd March, 1949, Vol. I, No. 9, pp. 283-284.
31. "Whom the cap fits," *Dawn* (Karachi), March 9, 1949.
32. *Constituent Assembly (Legislature) of Pakistan Debates*, 17th February, 1949, Vol. I, No. 3, pp. 57-58.
33. *Ibid.*, the 26th March, 1951, Vol. I, No. 6, p. 398.
34. *Ibid.*, 24th November, 1950, Vol. II, No. 14, p. 749.
35. *Ibid.*, the 30th March, 1951, Vol. I, No. 10, p. 658.
36. *Dawn* (Karachi), March 11 and 18, 1951.
37. *Constituent Assembly (Legislature) of Pakistan Debates*, 11th November, 1953, Vol. II, No. 18, p. 1488.
38. *Ibid.*, p. 1490.

# Part Four

## Federal or Unitary State?
## (1947-1951)

"But we must sedulously beware of the ready application of federal arguments or federal examples to a task which is the very reverse of that which confronted Alexander Hamilton and Sir John Macdonald."

*Edwin S. Montagu and Chelmsford*

(*Report on Indian Constitutional Reforms*, 1918, p. 101.)

# XII

## POLITICAL INSTRUMENTS OF CONTROL

In a mature federation the problem of 'states rights' is not usually discussed in terms of the political competence of states to exercise the powers they have in the constitution. The question that is often posed is: Will the interests of the economy as a whole be better served if a particular service is administered in a uniform manner by the Central Government than they would be if that service were administered by each state?

In a federal arrangement like that of Pakistan, which was in its formative stage, the question was not one of technical or economic competence of a constituent state—it was one of political maturity. The question that arose was: Were the Provinces politically capable of exercising the powers that had been allotted to them?

This problem was also present in the Government of India Act, 1935. Behind the Governor-General's and the Govenors' 'special responsibilities' and 'discretionary powers' there lurked a fear or reluctance to transfer full power to the Federal Government and the Provincial Governments. The British Government were not yet sure whether their wards had come of age. They believed in 'progressive realization of responsible government'. Thus, though the British conceded dyarchy at the Centre and autonomy to the various Provinces, they modified these concessions by various 'safeguards' and 'special responsibilities'. The Congress resented this attitude and thought that this was merely an excuse to withhold power.[1] The Muslim League, while denouncing the

'safeguards' as making responsible government 'nugatory', recommended that "having regard to the conditions prevailing at present in the country, the Provincial scheme of the constitution be utilized for what it is worth."[2]

In Pakistan one notices the same conflict that was there in the Government of India Act, 1935. The famous Pakistan Resolution of the All-India Muslim League had demanded the establishment of 'Independent States' in which the constituent units were to be 'autonomous and sovereign'. Therefore, one would hope that the Provinces would now be able to exercise their autonomy unfettered by Central control or interference. But as has been pointed out in earlier chapters, Jinnah had grave doubts whether the Provinces could exercise their autonomy in an efficient manner. Strange as it may seem, he had criticized the British Government for investing their Viceroys with enormous powers and now, when the mantle of the Viceregal power fell on his shoulders, he was as much reluctant to transfer power to the Provincial politicians as his predecessors had been.

Under Liaquat Ali Khan, the conflict took a clearer and sharper turn. First of all, the Provincial politicians could now demand the full measure of their autonomy because the Prime Minister could not overawe them. Secondly, Liaquat himself was perhaps willing to let the Provincial Governments enjoy more autonomy than they had been doing so far. But he also came around to the same view as that of the Quaid—that the Provinces were not yet mature enough to use representative institutions efficiently. This was realized first by the Services who had to work with Provincial politicians. Thus Liaquat also tried to strengthen the hands of the Central Government, firstly to take action against those Provinces where the normal constitutional machinery had broken down, and secondly, to compel all Provinces to conform to certain standards of administrative efficiency laid down by the Centre. There was also the Islamic ideology and the Muslim League to buttress his power. In addition to this, there was the external danger from India which helped Liaquat to harp on the great

Quaid's trinity of faith, unity and discipline. Moreover Liaquat, not being as sure of his own position as the Quaid, wanted to have safe and loyal men placed as Premiers in various Provinces.

These arguments and considerations did not impress the Provincial Premiers and other representatives in the Central Legislature. In particular, East Bengal and the N-W.F.P., which enjoyed stable and reasonably efficient governments, offered resistance to increasing Central encroachment on the Provincial sphere. Their main complaint was that they had been allotted a number of important functions without the wherewithal to discharge them. Central Government Ministers like Ghulam Mohammed argued that the Provinces should realize that the Central Government was a representative government and therefore any zealous assertion of autonomy on the part of Provinces was out-of-date and unnecessary. This attitude placed the Provinces in a peculiar predicament. If the Provincial Governments were found to be inefficient or corrupt, they would be penalized by the Central Government. But when they had stable governments which wanted more funds to discharge the functions allotted to them, they were told that they were narrow and 'Provincial' in their outlook or that they were harbouring the same grievances against the existing Central Government as those they had had against the former foreign government.

Another noteworthy fact is that there was a conflict or debate going on both in the Legislature and the Cabinet. Ghulam Mohammed stood for what Khuhro called the 'centralization of power'. Liaquat was torn between the two groups. On one hand he had to pay heed to his Cabinet colleagues, and on the other he had to keep his party in the Legislature, where Provinces were represented, satisfied. In other words, he had to listen to Ghulam Mohammed, who had created the impression of riding roughshod over the interests or sphere of the Provinces, and Nurul Amin, the Chief Minister of East Bengal, who was protesting vehemently against what he called the "strangulation of Provinces".

K. C. Wheare in his study of *Federal Government* has laid down certain criteria in order to determine whether a government is federal or not. "Does a system of government embody predominantly a division of powers between general and regional authorities, each of which, in its own sphere, is co-ordinate with the others and independent of them?"[3] If this test is applied to the Government of Pakistan as it existed between 1947-1951, it may be seen that the Government of Pakistan was not federal in the strict sense of the term. First of all, the adapted Government of India Act, 1935, itself contained certain provisions which nullified substantially its federal features. Secondly, the way the Constitution worked also made it clear that the centripetal tendencies had become stronger. However, since the adapted Government of India Act, 1935, still contained certain federal features like the Federal and the Provincial Legislative Lists and since certain centrifugal tendencies, particularly the demand of East Bengal for increasing Provincial autonomy, were at work, it may be said that both the adapted Government of India Act, 1935, and the Pakistan Government were quasi-federal.

## I. Section 51 of the Government of India Act, 1935

Section 51 of the adapted Government of India Act, 1935, clearly laid down that the Governor in his relations with his Ministers was to act as an agent of the Governor-General. In other words, a Provincial 'Council of Ministers' could be dismissed if the Central Government so desired. Thus, Sub-Section 1 of Section 51 said: "The Governors' Ministers shall be chosen and summoned by him, shall be sworn as members of the Council and shall hold office during his pleasure." Sub-Section 5 of Section 51 laid down, "In the exercise of his functions under this Section with respect to the choosing and summoning and the dismissal of Ministers the Governor shall be under the general control of, and comply with such particular directions, if any, as may from time to time, be given to him by the Governor-General." It has been seen how this Section was used by Jinnah in instructing his Governor in the North-West Frontier Pro-

vince to dismiss the Ministry of Khan Sahib. Similarly, the same Section was used when the Ministry of M. A. Khuhro was dismissed by the Governor of Sind under directions from the Governor-General. In the case of the dismissal of Khan Sahib's Ministry it has been pointed out that Lord Mountbatten could not fulfil his undertaking to dismiss that Ministry because he had been overruled by the India Office. The Secretary of State for India maintained that dismissal without any choice of dissolution would be unconstitutional when the Ministry still had a majority in the Assembly. Jinnah set aside this convention. The Constitution clearly empowered him to instruct his Governor to dismiss a Provincial Ministry. In the case of the dismissal of Khuhro, it has been seen that the Governor had reallocated the portfolios in the Provincial Ministry against the wishes of his Chief Minister. The press communique issued from the Sind Governor's Secretariat stated that a *prima facie* case had been made out against Khuhro for charges of maladministration, gross misconduct and corruption in the discharge of his duty and responsibility.

## II. Section 92A of the Adapted Government of India Act, 1935

Enormous powers of interfering in the administration of Provincial affairs as it gave to the Governor-General, yet Section 51(5) suffered from one serious limitation. It did not give powers to the Governor-General to instruct his Governor to suspend the operation of responsible government in a Province. In other words, if one Ministry was dismissed, the Governor perhaps had to invite another Chief Minister to form his Ministry. In Jinnah's time itself the Central Government took the view that if the Ministers in certain Provinces were found to be corrupt or dishonest, the Members of the Legislature to whom these Ministers were responsible, were not free from these vices either. Thus, it was conceivable that the entire machinery of representative government might have to be suspended. It was in order to meet such contingencies that Section 92A had been drafted and made a part of the

adapted Government of India Act, 1935, by Section 2 of the Governor-General's Order 13 of 1948 in Jinnah's time. Section 92A read as follows:

(1) "If at any time the Governor-General is satisfied that a grave emergency exists whereby the peace or security of Pakistan or any part thereof is threatened, or that a situation has arisen in which the Government of a Province cannot be carried on in accordance with the provisions of this Act, he may by proclamation direct the Governor of a Province to assume on behalf of the Governor-General all or any of the powers vested in or exercisable by any Provincial body or authority; any such proclamation may contain such incidental and consequential provisions as may appear to the Governor-General to be necessary or desirable for giving effect to the objects of the proclamation including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any Provincial body or authority:

Provided that nothing in this sub-section shall authorise the Governor-General to direct the suspension of any of the powers vested in or exercisable by a High Court, or to suspend either in whole or in part the operation of any provisions of this Act relating to High Courts.

(2) Any such proclamation may be revoked or varied by a subsequent proclamation."

This Section was not used during Jinnah's time. It was first used on January 24, 1949 when the Governor-General directed the Governor of West Punjab to dissolve the Legislature and to order a general election. What had happened was made clear by the communique issued by the Cabinet Secretariat in Karachi and from Government House, Lahore.

"The Governor-General has viewed with growing concern the state of public administration in West Punjab about which he has kept himself fully informed, and is satisfied

that the stage has now been reached at which his intervention is essential.

He has no doubt that public life has been demoralized by corruption and that discipline of the services destroyed by intrigues. The administration has been carried on for the benefit of the few and little or no heed has been paid to the hopes and needs of the people.

Many causes have contributed to this state of affairs, but in the Governor-General's opinion the main cause is the failure of the Members of the Legislative Assembly elected in different circumstances to rise to the greater responsibility which Independence brings."[4]

It was somewhat doubtful whether a representative government could function in West Punjab. Members of the Provincial Legislature interfered with the day-to-day working of the administrative machinery, with postings, transfers and promotions of officials, etc. Matters grew worse when the Muslim League Party in the Legislature divided itself into two almost equal groups, one of them determined to keep the Ministry in office, the other seeking to oust it. According to *Dawn* of January 25, 1949, when Liaquat Ali Khan was in Lahore trying to resolve the feuds that were going on in the West Punjab Muslim League Parliamentary Party, Daultana, President of the West Punjab Muslim League Organization, presented to the Prime Minister a signed list of his forty-two supporters. The Khan of Mamdot, the Chief Minister, thereupon produced another signed list of forty-three Muslim League Members of the Legislature who had pledged their support to him. Liaquat Ali Khan found that seven Muslim League members had signed their names on both the lists. He could have suggested to the Nawab of Mamdot, Chief Minister, that the Assembly might be summoned to see whether he still enjoyed a majority in the House. Instead of letting the Assembly decide, he advised the Governor-General to impose Section 92A in West Punjab, probably on the plea that the Members of the Assembly were so demoralized by factional intrigues that they were not competent to decide whether they should have the existing Chief Minister or replace him

by another.

Section 92A was like Section 93 of the original Government of India Act, 1935. But there was one basic difference between the two Sections. Under Section 93 the Governor was responsible to the Governor-General and, since the Central Government in British India functioned under the Government of India Act, 1919, in other words, there was no responsible government at the Centre, the Provincial Governor was completely under the control of the Governor-General, who was not responsible to the Central Legislature. But even if the Central Government in British India had functioned under the Government of India Act, 1935, the Provincial Governor, under Section 93, would still have been under the control of the Governor-General because the latter exercised enormous discretionary powers.[5] Under Section 92A, on the other hand, the Provincial Governor would act under the instructions of a Governor-General, who had been divested of his discretionary powers. Therefore, under Section 92A, the Governor was responsible to the Central Government, which in its turn was responsible to the Central Legislature. So this was not Governor's Raj in the old sense of the term.[6]

The Governor-General, by a proclamation published in the *Gazette of Pakistan Extraordinary* of January 25, 1949, directed the Governor of West Punjab under Section 92A of the Government of India Act, to assume on his behalf all powers vested in or exercisable by the Provincial Legislature. The Governor was empowered to prepare such Bills as he deemed necessary by virtue of this proclamation.[7]

The Governor-General's communique also directed the Governor to order a general election in the Province. The Governor-General declared, "On this election the future of democracy in the West Punjab, and indeed of Pakistan, depends. The Governor-General is confident that the people will do their duty as free men, rejecting unhesitatingly any candidate who, in their opinion, is seeking election for ulterior purposes and selecting only those whose object is to serve their people and their country." Such ideal circumstances for a general election could not be produced until

the beginning of 1951. When Sir Francis Mudie tried to clean the Augean stables, he created a host of enemies. He had to relinquish his post and Sardar Abdur Rab Nishtar was sent to prepare the ground for a general election. The new Governor adopted rather a leisurely pace and took more than a year and a half to hold a general election in the Province.

It was on December 30, 1951 that Section 92A was imposed in Sind. The central theme of the press communique issued by the Governor-General was the same as that issued by his predecessor when the Legislative Assembly of West Punjab was dissolved in January, 1949. The press communique said:

> "The Governor-General has been in close touch with the state of affairs in Sind and has come to the conclusion that the stage has now been reached which calls for his intervention. He is satisfied that constant strife among the Ministers and in the Muslim League Assembly Party, that instability engendered by the irresponsible behaviour and constantly shifting loyalties of Members of the Legislature, widespread allegations of corruption and grave deterioration in the standards of administration have brought about conditions in which it is not possible for a stable Ministry to function in accordance with the scheme of the Constitution Act."[8]

This action was necessitated by the feuds that were going on both in Khuhro's Cabinet and the Muslim League Assembly Party. The various factions into which the Sind Ministry was split lodged petitions against each other under the Public and Representative Offices (Disqualification) Act familiarly known as 'PRODA'. The consequence was that PRODA petitions were lodged against all the Ministers of the Sind Cabinet except one. Khuhro, the Chief Minister, was himself the object of three such petitions.

## III. Public and Representative Offices (Disqualification) Act, 1949

Moving the Public and Representative Offices (Disqualification) Bill in the Constituent Assembly on January 6,

1949, Liaquat Ali Khan said:

"...The purpose of this Bill is to disqualify those persons which in a representative capacity abuse the confidence which the people place in them... Unfortunately, it is no use hiding this fact that at the moment some of us do not realize the responsibility which we owe to the State and to the people and some of us find the temptation too great, the temptation of having power pro-abusing (*sic*) that power and I think, Sir, that this punishment that has been provided in this Bill cannot in any way be regarded as severe."[9]

Ishtiaq Husain Qureshi observed:

"Sir, as I was coming into this House a friend observed to me that it was rather strange that a people which had shown such tremendous amount of enthusiasm and idealism before the achievement of Pakistan had shown such lack of moral feeling after achieving it and I felt that the observation was quite true."[10]

The Act provided that any person found guilty by the Federal or a High Court moved in this behalf by an Order of the Governor-General or a Governor of misconduct in any matter relating to his office as a Minister, Deputy-Minister or Parliamentary Secretary of the Federal or Provincial Government or as a Member of the Central or Provincial Legislature, might be disqualified from holding any public office for a period not exceeding ten years by an Order of the Governor-General. The Tribunal provided to try cases under this Act was to consist of two or more High Court Judges as the Governor-General or the Governor might see fit to appoint. It is worth quoting the definition of 'misconduct' from the Act:

"'Misconduct' includes bribery, corruption, jobbery, favouritism, nepotism, wilful maladministration, wilful misapplication or diversion of public moneys or moneys collected, whether by public subscription or otherwise, by or at the instance of persons holding honorary or stipendiary office under the Central Government or a Provincial Government and any other abuse of official power or position or any abetment thereof; . . ."

At this stage it must be pointed out that an investigating machinery had already been created as early as February, 1948. This was in the form of a Special Central Police Force created by a Government of India Act Amendment Order. Fazlur Rahman, who was then the Minister of Interior, pointed out that the Amendment Order conferred on the Central Government the necessary legal power to create a Special Central Police Force with jurisdiction both in the Central and Provincial spheres. The Police Force was created by an Ordinance. The Pakistan Government had inherited a Special Police establishment under the Delhi Special Police Establishment Act XXV of 1946. The serious shortcoming of this Act was that it applied only to the employees of the Central Government and not to those of the Provincial Governments.[11]

Thus the Public and Representative Offices (Disqualification) Act, 1949, created the judicial machinery to try cases of corruption. The police or investigating machinery had already existed. This also became clear in the evidence submitted by the accused, M. A. Khuhro, in what was known as the *Linotype Machine Case.* Khuhro submitted that his Provincial police officer had told him on April 22, 1948 that the Pakistan Central Police had captured a linotype machine from the Sind Observer Press.[12] Thus the pattern of investigation and trial that was emerging was that both investigation and trial were conducted by the Central Government. No doubt the Special Tribunal might be appointed by the Governor, but he would do this under the instructions of the Governor-General.

Similarly, on June 4, 1949 the Pakistan Central Police submitted their report of investigations into charges of corruption and maladministration against the Khan of Mamdot to the Governor. The Governor consulted the Pakistan Central Government before ordering a trial of the Khan of Mamdot, ex-Premier of West Punjab, under Section 3 of the Public and Representative Offices (Disqualification) Act, 1949.[13] According to a press note of the Government of Pakistan of September 8, 1950, the eventual findings of all the charges against the Khan of Mamdot

were, in effect, findings of "not guilty", therefore, the Governor-General's power to disqualify the ex-Premier from holding public office for a period as he deemed fit under Section 3 of the Act was not "attracted". The press note revealed that the inquiry was first conducted before a Divisional Bench composed of the Chief Justice and Justice Cornelius, who concurred in finding the respondent not guilty on eight charges, but disagreed as to the remaining charges which related to the respondent's obtaining property in Montgomery District for himself, ordering a case against Raja Hasan Akhtar, a Civil Service officer, to be withdrawn, and ante-dating confidential remarks made in favour of the latter and Khwaja Abdur Rahim on January 25 after the respondent had ceased to be the Premier. These charges were referred to a third judge nominated by the Chief Justice whose findings were considered by the Governor-General and the ex-Premier was found not guilty.[14]

Administrative Directories of the Government of Pakistan of 1949 and 1951 state: 'Administrative Reports of Provinces', 'Eradication of bribery and corruption', 'Pakistan's Special Police Establishment', and 'Public and Representative Offices (Disqualification) Act, 1949—Administration of', are all subjects placed within the purview of the Ministry of Interior. Presumably, for these subjects the official link between the Centre and the Provinces was the Provincial Chief Secretary. When an inquiry was being conducted regarding allegations against Hamidul Haq Chowdhury, a former East Bengal Minister for Finance, Commerce and Industries, some of the Opposition Members complained in the East Bengal Legislature that Aziz Ahmad, the Chief Secretary, had maintained a "secret file against the Ministers".[15] Similarly, Hamidul Haq Chowdhury himself complained in the Assembly after resigning his post as a Minister that his powerful enemies had succeeded in persuading "the Central Government to institute an inquiry affecting my conduct as a Minister." The Chief Secretary, Aziz Ahmad himself, while giving evidence in the Inquiry Case, revealed that "the Central Government

approached the Provincial Government through the Inspector-General, Special Police, for getting some help from the Provincial Police. With the approval of the Premier, he directed the Inspector-General, East Pakistan, to give such help. He also spoke to respective Secretaries to give the files to the police."[16] This again makes clear the kind of machinery that the Central Government had set up to investigate charges of misconduct against Provincial Ministers and the way the machinery worked.

### IV. Rules of Business in Provinces— Section 59(3) and (4)

If party politicians in some of the Provinces were not mature, the question arises, how was the Government going on? In earlier paragraphs it has already been indicated how the civil servants and Governors in these Provinces were in constant touch with the Central Government. In other words, what Lloyd George had once called the "steel framework" was intact.

When Pakistan was established, it did not receive its full quota of civil servants because a large number of civil servants who were Hindus had opted to serve India. Some of this depletion was made good by hiring on temporary contracts some of the British members of the old Indian Civil Service. Thus, though Pakistan started with many handicaps in so far as its Civil Service was concerned, it did not start from scratch.[17]

The new Civil Service of Pakistan differed from its predecessor, the Indian Civil Service, in one important respect, namely, that it was organized on an even more centralized basis than the latter had been. The Indian Civil Service was a single Service divided into a number of cadres on a Provincial basis. Officers appointed to this Service were allotted to the various Provinces and there they remained throughout their careers. The Central Government met their own needs by the deputation of officers from the Provinces. But unlike the former Indian Civil Service, the officers of the Pakistan Civil Service were liable to serve in any Province of Pakistan and would not be borne on the

cadre of any particular Province. It is noteworthy that the Government press communique announcing this decision said that the decision had been arrived at after conferences with the Chief Secretaries of Provincial Governments and finally with the Chief Ministers of Provinces. The press communique pointed out, "The advantages which will flow from this system will be that a well-knit Civil Service for the whole of Pakistan will come into being, association between the various Provinces will be increased and homogeneity in administration will be developed."[18] It was obvious that the Provinces had sacrificed, by agreeing to this arrangement, a considerable measure of their autonomy.

The administrative picture in the Provinces was roughly as follows: There was the Governor appointed by the Central Government, sometimes with the consent of the Provincial Ministry, and in cases like West Punjab, where there was Section 92A in operation, the Governor was a direct nominee of the Central Government. During the Quaid-i-Azam's time the Governors wrote every fortnight to the Governor-General giving him a full picture of what was happening in the Provinces. Some of these Governors presided over their Council of Ministers. After Jinnah's death, perhaps they were in touch with the Prime Minister.

One of the important ways by which the Governors could keep in touch with the Provincial administration was provided in Section 59 of the adapted Government of India Act, 1935, where it was laid down:

> 59. (3) "The Governor shall make rules for the more convenient transaction of the business of the Provincial Government, and for the allocation among ministers of the said business.
>
> 59. (4) The rules shall include provisions requiring ministers and secretaries to ministers and secretaries to Government to transmit to the Governor all such information with respect to the business of the Provincial Government as may be specified in the rules, or as the Governor may otherwise require to be so transmitted."

From the evidence that the author has gathered, it seems that no clear decision had been reached as regards Rules of Business in some of the Provinces even during Jinnah's time. It is clear that Sir George Cunningham framed the Rules of Business in consultation with his Ministers and there was not any disagreement between the Governor and his Ministers at that time. But in Sind and East Bengal no clear decisions as regards Rules of Business were made.

The Chief Secretary, both under the Government of India Act, 1919, and the Government of India Act, 1935, had access to the Governor. Under the Government of India Act, 1935, Rules of Business were framed by the Governor in his discretion.[19] This had always been resented by popular Ministers and presumably this was the attitude of the Ministers in Sind and East Bengal after Pakistan came into being.

Popular Ministers in Sind were not well known either for their administrative competence or for their honesty. This meant that the Governor could not check them because the Secretaries did not have easy access to him. Justice Abdul Rashid and Justice Shahabuddin concluded their Report on the Sind Special Court of Inquiry which had been set up in 1948 to inquire into the charges of misconduct against Khuhro as follows:

> "It does not appear to us out of place to suggest in the light of the experience we have gained from this inquiry that in the framing of the Constitution of Pakistan it is essential to provide adequate safeguards against undue interference by the Minister in the day to day administration of the Province. We have suggested in an earlier part of our report the desirability of giving the Secretaries an opportunity of making representations to the Governor when they find that the Rules of Business are being disregarded by the Ministers. It is not our intention to set up what was popularly called "the Secretary rule" after the 1919 Act. The provisions in that Act giving the Secretary a right of expressing his views to the Governor as against a Minister were severely criticised because in those days the Governor and Secretaries invariably

happened to be Europeans and it was considered that such interference with Indian Ministers was not consistent with the grant of self-government. But now the position has changed and we do not see any serious objection to the acceptance of our suggestion. Our proposal is a limited one to the effect that the Secretaries should merely draw the attention of the Governor to the disregard of the Rules of Business and not that they should discuss the merits of the case with the Governor over the head of the Minister. We would like also to observe that an equally adequate safeguard should be provided in the Constitution of Pakistan for the independence of the Judiciary."[20]

The complaint of Firoz Khan Noon, the Governor of East Bengal, was in the same vein. Presenting his views before the Sub-Committee on Federal and Provincial Constitutions and Distribution of Powers of the Basic Principles Committee in August, 1950, the Governor of East Bengal urged:

"I suggest that the Rules of Business for all the Provincial Governments should be framed by the Central Government and not by the Provincial Government. My Government have got no Rules at all, because the Ministry have found that it is convenient not to frame any Rules and the Governor cannot force them to do so. . . I need mention only one thing, e.g., it will be impossible for a Governor to know anything about the administration unless he has power, under these rules, to send for papers from the Secretaries and from the various public servants in the districts directly. If this depends on the Ministers they will sit over the Governor's request and never send any answers, and there will have to be some provision for disciplining action against public servants who refuse to supply information to the Governor. . . There have been cases where allegations have been made that, under the pressure of political bosses in the legislature, Ministers have been obliged to transfer a District Magistrate because the existing District Magistrate was not willing to give certain lands to a particular political boss and a

convenient District Officer had to be found. These are allegations and may not be true, but cases like this may arise and it is essential that our services must be protected by the Constitution if we are aiming at a good administration which will give justice and peace of mind to the public."[21]

These complaints show the eargerness on the part of the civil servants to keep the administration firmly under their control. In the opinion of the author, apart from Sind, the situation was not as grim or serious as the above reports might suggest. One might even say that since the civil servants and Governors in Pakistan were used to strong Central and Provincial Executive Governments, they were perhaps perturbed about the degree of autonomy and responsible government that had been emerging in Pakistan, and if the author's analysis is correct so far, it may be seen that only a moderate measure of autonomy or responsible government had been conceded.[22] There was always the overriding authority of the Central Government to arrest any deterioration in administration in time.

Thus, even if Firoz Khan Noon was right in saying that there were no Rules of Business which said that he could see all the necessary files, one gets the impression that it was very difficult for a Provincial Government to defy the directives of the Central Government. Section 126(1) of the adapted Government of India Act, 1935, clearly laid down:

"The executive authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation, and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for the purpose."

Thus, Mansur Alam, Special Counsel for the PRODA Case against Hamidul Haq Chowdhury, argued that in the letter sent by the Secretary-General of the Pakistan Government to the Government of East Bengal it was clearly stated that the Ministers should be directed to sever their connections with business concerns, and since H. H. Chowdhury had violated this direction, his action would

constitute misconducts in terms of the Act. The Chief Justice asked whether the Secretary-General had given an advice or an order. The Special Counsel's reply was, "It is a direction and its violation would constitute misconduct of which the respondent was guilty. It is a direction within the meaning of Section 126 of the Government of India Act."[23]

How firmly the reins of power were held by the Central Government and how close the co-operation was between the Central Government and the civil servants in Provinces was revealed in the evidence that the Chief Secretary of the Government of East Bengal gave in the PRODA Case against Hamidul Haq Chowdhury. The Chief Secretary stated that on February 14, 1948 he received a letter from the District Magistrate along with a memo from Mr. Bakar, former Secretary to the Chief Minister, (Khwaja Nazimuddin) which said that there was no objection to the export of 50,000 steel drums to India. Bakar, it was learned, had issued the order after discussing the matter with H. H. Chowdhury, the Finance and Commerce Minister, and the then Chief Minister, Khwaja Nazimuddin. This was contrary to the restrictions imposed by the Central Government on the export of iron and steel. The Chief Secretary also stated that the accepted practice was to issue orders through the Secretary concerned and not through the Secretary of the Premier. There were some more exchanges of notes among the various Departments and the Commerce Secretary wrote on March 17, 1948 that export could not be allowed on certain grounds. He suggested that export should be allowed if India agreed to give steel. On March 23, 1948 H. H. Chowdhury wrote on the file that the drums could be released saying that he hoped West Bengal would give the required quantity of steel. The Chief Secretary added that he was not aware of any order of the Central Government for the export of drums. The Collector of Customs stopped the export of drums even though the Minister had passed orders that they could be exported, and asked for a copy of the Central Government's order. On March 26, 1948 the Commerce Secretary of the Government of Pakistan said that the dispatch of the drums should be stopped and they

should be requisitioned because the army was in need of them.[24]

Similarly, maintenance of law and order in a Province was placed within the domain of the Provincial Legislative List in the adapted Government of India Act, 1935. But Sub-section 5 of Section 126 stated that the Executive authority of the Central Government would also extend to the giving of directions to a Province for the purpose of preventing any grave menace to the peace or tranquillity or economic life of Pakistan or of any part thereof. In addition to this the Administrative Directory of the Government of Pakistan, 1951, listed 'Administrative Reports of Provinces' among the subjects assigned to the Ministry of Interior. There is clear evidence in the Report of the Court of Inquiry of Punjab Disturbances of 1953 that the Provincial Govenment of West Punjab was sending fortnightly reports on the law and order situation in the Province to the Central Government.[25] One also gets a clear impression that the Ministry of Interior was asking the Provincial Government to send reports on "all and sundry matters".[26]

Sometimes a civil servant would feel that his Minister was not being firm or efficient in giving him clear instructions to put down lawlessness whenever it occurred. Qurban Ali Khan, the Inspector-General of Police in West Punjab, believed firmly that, "Whatever tends to cause disorder must be hit on the head, well and hard." He felt that the Ahrar agitation against Ahmadis had dangerous potentialities. He was not satisfied at all with the way the Chief Minister, Mumtaz Daultana, was handling the situation. Thus, the Inspector-General wrote on October 23, 1952, "If it is allowed to go on in this fashion, we shall one day be faced with serious trouble, and it may become difficult to control it." According to the Report of the Court of Inquiry, the Inspector-General sent the note directly to the Governor and not to the Home Secretary or Chief Minister. "Mr. Qurban Ali Khan apparently did not think that the Provincial Government's treatment of the situation was satisfactory, and he took the unusual course—perhaps

objectionable from the Ministerial point of view—of trying to interest the Governor. But the Governor merely initialed the note." The Deputy Inspector-General, giving his opinion about this procedure to the Court of Inquiry, said, "This was probably done in the belief that the Governor might bring the matter to the notice of the Central Government."[27]

All this goes to show that even though no clear decision had been reached as to whether the Governor of a Province under the Rules of Business had access to all the files or whether he could see any Secretary he liked, yet this created no serious problems. The Central Government could always impose its will on the Provinces, and civil servants could always bring to the attention of the Governor or the Central Government any non-compliance with the instructions of the Central Government on the part of their Ministers.[28]

## V. Concluding Remarks

It has been seen in this chapter that the cardinal principle which animated the Central Government of Pakistan was that good government was better than representative government. No country in its formative stage was placed in less propitious circumstances than Pakistan was in so far as the climate for the growth of responsible government was concerned. West Punjab and Sind, where we have seen a complete breakdown of responsible government, were both dominated by land-owning interests. And absence of opposition parties and intense scramble for offices of power and patronage among the Muslim League politicians made the working of representative institutions difficult.

One comes across a feeling of complete disgust over and over again with the way Provincial Governments were working. Every newspaper clamoured for change, and the change they looked forward to was not merely the dismissal of one Government and installation of another, but the establishment of Central control under Section 92A. The sort of respect and reputation the Provincial politicians had

acquired is well reflected in the following press comments. Commenting on the promulgation of Section 92A in West Punjab, *The Pakistan Times* wrote:

"The West Punjab Assembly has been dissolved. A selfish pack of men who have for the last 18 months revelled in people's misery and mocked the nobility of freedom have been asked to quit. We congratulate the Governor-General of Pakistan on this bold and wise decision."[29]

In the same connection *The Civil & Military Gazette* wrote:

"All men of goodwill in the West Punjab—and in Pakistan—will breathe a sigh of relief this morning when they learn the abrogation of Provincial autonomy in the West Punjab and the promulgation of the Governor's rule under Section 92 of the Constitution."[30]

When Pir Illahi Bukhsh, the Chief Minister of Sind, was disqualified from holding office by the Election Tribunal, *Dawn* wrote:

"One unheeding man had his proud but reckless career ingloriously cut short by dismissal; another set of incorrigible Ministers fell from power through the promulgation of Section 92A of the Constitution Act by the Governor-General; and a third unwise and unheeding politician, equally incorrigible, has now been virtually smoked out of political existence through the operation of the processes of the law in a different context."[31]

Some of the remedies suggested are equally worth quoting. Thus, *Dawn* in its editorial on the breakdown of responsible government in Sind in 1951 wrote:

"The very spirit of an Islamic state is the spirit of justice and fair play, and the operation of the system of Western democracy, as illustrated more than anywhere else in the province of Sind, has proved that neither the officials nor the general public can expect justice unless some curb is placed upon immature politicians still untrained in the liberal practice of that form of governance. . . Therefore while it is out of the question to re-invest provincial Governors with the power which they enjoyed during British rule, it would be a sensible course to empower them to act as a check against victimization of officials

and disregard of rules by Ministers."[32]

Would it be a misnomer to describe Pakistan as a federal State? It has been seen that the Central Government interfered directly or indirectly in Provincial matters on the plea that the Provincial Governments were not discharging their constitutional responsibilities efficiently. One feels that the Central Government did not regard Provincial Governments as governments who were sovereign governments within their demarcated sphere but as agents of the Central Government who had been called upon to discharge certain delegated functions. Thus, when the agent failed to administer the delegated functions in a manner which did not come up to the expectations of the Central Government, the latter could withdraw the authority thus delegated. Another impression that one gathers from the survey that has been attempted in this chapter is that there was a deep-seated distrust of democracy or at any rate of its suitability to the conditions existing in Provinces among the leaders and civil servants of the Central Government. This is the only logical explanation of why the Central Government did not allow the normal, democratic processes to continue. If a Provincial Government were grossly inefficient or irresponsible, the normal remedy would be that the Provincial Assembly would withdraw its confidence from such public servants. In the last resort, the Central Government could intervene and use its special powers to dismiss the Ministry. But dismissal should be followed by dissolution of the Assembly and the holding of fresh elections to elect a new Government. This did not happen in the Frontier when Khan Sahib's Ministry was dismissed in August, 1947. Nor did general elections follow immediately the dismissal of Mamdot's Ministry in West Punjab in 1949. General elections in that Province were held in early 1951. All this goes to show that the Central Government felt not only that democratic institutions were not working properly but that they had doubts whether they could work at all.

It would not be fair to lay the entire blame on the Central Government. People often get the Government they

deserve. Provincial politicians never seemed to realize that Central interference was the result partly of their internecine intrigues and quarrels. They should have also realized that the great bulk of the people were too ignorant and immersed in their own day-to-day existence to express their concern for suspension of parliamentary processes in their Province.

Politicians did manage occasionally to organize political movements against the Centre. In West Pakistan, it was difficult to organize such movements entirely on Provincial lines. Therefore, a politician like Daultana in 1953 tried to use the anti-Qadiani agitation as a lever against the Central Government because he felt that the Government of Khwaja Nazimuddin was likely to put forward a constitution which would be against the Punjabi interests. In East Bengal, there was genuine concern on the part of the people for the alleged injustices or unfair treatment that the Province had suffered at the hands of the Centre. Bengalis felt that the Government of their Province was not entirely in their hands, and to crown it all, their language, even though they were in majority in Pakistan, was to be replaced by Urdu. Thus, one could say that even though the Constitution and the civil servants acted as centralizing instruments, yet there were strong centrifugal tendencies in Provinces like East Bengal, Sind and the N-W.F.P. in the form of movements in support of their respective cultural and political autonomy.

FOOTNOTES

1. "The only satisfactory alternative to the White Paper is a constitution drawn up by a Constituent Assembly elected on the basis of adult suffrage or as near it as possible, with the power, if necessary, to the important minorities to have their representatives elected by the electors belonging to such minorities." Pattabhi Sitaramayya, *The History of the Indian National Congress* (Bombay: Padma Publications, 1946), Vol. I, p. 575.
2. *The Indian Annual Register* 1936, Vol. I, (Calcutta: The Annual Register Office, 1936), p. 299-300.
3. K. C. Wheare, *Federal Government* (London: Oxford University Press, 1953), pp. 32-33.
4. *Dawn* (Karachi), January 25, 1949.

5. Section 93 (5) stated: "The functions of the Governor under this section shall be exercised by him in his discretion and no Proclamation shall be made by a Governor under this section without the concurrence of the Governor-General in his discretion." *Government of India Act*, 1935 (26 Geo. 5, ch. 2).
6. Sir Francis Mudie also made this point in his press conference in Lahore on February 5, 1949. *Dawn* (Karachi), February 6, 1949.
7. *Ibid.*, January 26, 1949.
8. *Dawn* (Karachi), December 30, 1951.
9. *Constituent Assembly of Pakistan Debates*, January 5, 1949, Vol. IV, No. 4, pp. 43-44.
10. *Ibid.*, p. 49.
11. *Pakistan News*, February 11-17, 1948 (Karachi: Press Information Department), Vol. 2, No. 7, p. 78.
12. "Linotype Machine Case", *Dawn* (Karachi), February 5, 1949.
13. "The Governor it is understood will consult the Pakistan Government before ordering charge sheet to be served on Mamdot." *The Civil & Military Gazette* (Karachi), June 5, 1949. *Dawn* in its editorial wrote, "The decision has not been taken in haste nor is the Governor solely responsible for it. It is known that the result of preliminary investigation by the Provincial Anti-Corruption Department had been placed before the Centre which, after giving a hearing to the Khan of Mamdot, appears to have come to the conclusion that the truth or otherwise of the allegations should be determined by a Judicial Tribunal appointed under the PRODA." *Dawn* (Karachi), June 29, 1949.
14. *Dawn* (Karachi), September 9, 1950.
15. This charge was denied by the Chief Minister. *Dawn* (Karachi), March 2, 1951.
16. *Dawn* (Karachi), September 6, 1950.
17. This point has been discussed in Chapter IX.
18. *Dawn* (Karachi), November 8, 1950.
19. Sir Frederick Bourne, recalling his experiences said, "In Assam and later in the C.P. I saw all Secretaries to Government and some heads of departments every week and under the Rules of Business a considerable volume of routine papers had to be sent to me from the Secretariat every day. So that there was no excuse for my not knowing what was going on." Sir Frederick Bourne, "Constitutional Governors Before and After the Transfer of Power", *The Asiatic Review*, Vol. XLVI, p. 1113.
20. *Dawn* (Karachi), September 21, 1951.
21. *Minutes of the Basic Principles Committee, March*, 1949-*December*, 1952 (confidential) (Karachi, 1954), p. 24.
22. Firoz Khan Noon had been a member of the Viceroy's Executive Council. Sir Frederick Bourne had risen from Civil Service ranks to be Governor of Assam, C.P, and later on East Bengal. The civil

servants were used to Advisers' Regimes during the war period. In the Punjab, Sind, N-W.F.P., and Bengal, the Governor and Services had usually wielded considerable power and influence because of the immaturity of politicians and absence of strong majority parties in the Legislatures.

23. *Dawn* (Karachi), June 20, 1951.
24. *Ibid.*, September 20, 1950.
25. *Report of the Court of Inquiry* (Lahore: Superintendent Government Printing, 1954), p. 328.
26. *Ibid.*, p. 310.
27. *Ibid.*, pp. 322 and 329.
28. According to the findings of the Court of Inquiry of the Punjab Disturbances of 1953, disturbances occurred not merely because the Provincial Government did not take adequate and firm measures in time, but also because the Central Government followed a weak and vacillating policy and gave no clear instructions to the Provincial Government.
29. *The Pakistan Times* (Lahore), January 25, 1949.
30. *The Civil & Military Gazette* (Lahore), January 25, 1949.
31. *Dawn* (Karachi), February 5, 1949.
32. *Ibid.*, September 21, 1951.

# XIII

## ECONOMIC INSTRUMENTS OF CONTROL

### I. INTERFERENCE OF THE CENTRAL GOVERNMENT IN MATTERS PROVINCIAL

In the adapted Government of India Act, 1935, there were three Lists of Legislative powers. The Federal Legislative List consisted of 59 subjects and included important powers like Defence, External Affairs, Banking and Currency, Income Tax and Foreign Trade, etc. The Provincial Legislative List consisted of 54 subjects, including the Maintenance of Law and Order, Public Health, Education, Agriculture, Land Revenue, Development of Industries, etc. In addition to these, there was the Concurrent Legislative List under which were listed 36 subjects. In so far as the Concurrent List went, supremacy had been granted to Federal laws according to Section 107, paragraphs 1, 2 and 3 of the Act. Similarly, even in the Provincial Legislative List, there were subjects like Development of Industries and Regulation of Mines and Oil Fields and Mineral Development, which, though placed under the Provincial domain, were yet subject to Federal control.

#### 1. *Control of the Central Government Over the Development of Industries*

As pointed out above, under the adapted Government of India Act, 1935, the Development of Industries was a Provincial subject, but it was open to the Centre to declare

by law that the development of certain industries under Central control was expedient in the public interest. Even though such sweeping powers were given to the Centre, one finds in the Statement on Industrial Policy of May, 1948,* that the Central Government thought that this arrangement was, "ill-suited to the special requirements of an industrially underdeveloped State such as Pakistan." According to this statement, industrial development and fiscal policy could not be separated and since fiscal policy was under Central control, so should be industrial development. The Centre was in a better position to judge of allied matters like location of industries, and their balanced regional development than the Provinces. Thus, in consultation with Provinces, the subject of "Development of Industries" was to be transferred from the Provincial Legislative List to the Concurrent Legislative List. The Statement also said that the Centre proposed to formally take over, in consultation with the Provinces, power to regulate mines and oil fields and their development.[1] These were the days when, with the Quaid-i-Azam's enormous powers and prestige, the Central Government could persuade the Provinces to surrender their autonomy in a number of subjects. Thus, in December, 1947, an Industrial Conference, consisting of representatives of the various Provincial Governments, business, trade and industries, was held. In that Conference, it was agreed that the subject of "Industries" should be transferred from the Provincial to the Concurrent List. Later on, it was found that East Bengal was not prepared to abide by this agreement and the Province of Sind took the stand that the power of the Central Government should be confined only to the planning and co-ordination of industries.[2]

Thus, when Fazlur Rahman, who was then Minister for Education, Commerce and Works, moved the Development of Industries (Federal Control) Bill on March 10, 1949, a departure was made from the principles enunciated in the Statement on Industrial Policy of May, 1948. The Central Government gave up the idea of transferring the subject of "Industries" from the Provincial to the Central sphere.

The Development of Industries (Federal Control) Act XIII, 1949, established Federal control over 27 industries. Within these were included practically every industry that one could conceive of developing in Pakistan. They included industries like jute, in which East Bengal was interested, and cotton, in which Provinces like Sind and West Punjab were interested. Thus, even though the Central Government had agreed not to transfer the subject of "Industries" to the Federal List, yet they had achieved all that they desired in the matter of control, planning and co-ordination of all the industries in Pakistan.

In the debate that took place on this Bill, one is surprised by the ready willingness with which some of the ardent champions of Provincial autonomy were prepared to let the Central Government take over the control and planning of industrial development. Mr. Datta was "happy to see that Centre has also taken the responsibility to improve even small and medium industries". Similarly, Nur Ahmed and Abul Kasem Khan, who were also from East Bengal, conceded that the Centre was in a very advantageous position in the matter of expert technical knowledge and resources. Abul Kasem Khan submitted "that the Provinces should be consulted when a matter of such importance is brought before the House, not necessarily of abiding by their opinion but with the object of seeing what they have to say, because they are the people at the spot and in the matter of execution of such plans they must have in all circumstances their very big say."[3] The impression that emerges clearly from the Statement on Industrial Policy of May, 1948, and the debate which took place on the Development of Industries (Federal Control) Bill is that both the Central Government and the Provincial representatives regarded the problem of industrial development as primarily an economic problem. Their main concern was with the proper allocation of scarce resources among competing industries, the object being building up of industries in the shortest possible time.

This impression is confirmed when one looks at the administrative machinery set up by the Central Govern-

ment to develop industries in Pakistan. The Planning Advisory Board, the main function of which was to advise the Government on matters relating to planning and development, was composed of the Prime Minister, as Chairman; Ministers of Finance and Economic Affairs, Commerce and Education, Food and Agriculture, Health, Interior and two representatives each from East Bengal, West Punjab, the N-W.F.P., Sind and Baluchistan, two representatives nominated by the Government to represent the special interests of trade, banking, industry, co-operation, labour, etc., as members; and the Joint-Secretary, Ministry of Economic Affairs, as Secretary. Thus, one could see that the Planning Advisory Board was dominated by representatives of the Central Government. The Development Board, which was a superior body, consisted entirely of Central Government representatives. The functions of the Board were to co-ordinate Central and Provincial development plans and to make recommendations regarding priorities among development plans. The final decisions were taken by the Economic Committee of the Cabinet.

The sort of control and power acquired by the Central Government under the Development of Industries (Federal Control) Act, 1949, was also illustrated by the rules framed by the Central Government under that Act. According to these rules, it was laid down that no new industrial undertaking employing more than fifty persons could be established without the previous permission of the Central Government. While giving permission for the establishment of such undertakings, the Central Government could lay down certain conditions regarding the location and size of the undertaking, the minimum standards in respect of the quality of raw materials and products and the equipment to be provided therein. Penalties were prescribed for contravention of the rules laid down by the Government. So far as the industries specified in the Development of Industries (Federal Control) Act, 1949, were concerned, the rules provided: "The Central Government may fix and publish targets of development in respect of specified industries and may also fix areas for their establishment."[4]

2. *Central Encroachment on Provincial Sources of Revenue*

"Grants, if they are to rank as independent sources of revenue," wrote K. C. Wheare, "must not depend, of course, upon the good-will of the contributing government. They must be obligatory contributions about which the contributing government has no discretion."[5] Thus, in the British North America Act, 1867, by Sections 118-120, the amount of grants to be paid by the Dominion Government to the various Provinces was fixed.[6] In Australia, as well, according to Sections 87 and 95 of the Commonwealth of Australia Constitution Act, 1900, it was provided that for ten years the Commonwealth should pay to the states three-quarters of the customs and excise revenue.

It can be said that the original Government of India Act, 1935, did provide that the Central Government should make certain fixed grants to the Provinces. Thus, by Section 138 of the Government of India Act, 1935, it was laid down that a prescribed percentage of the net proceeds of the income tax collected by the Federation would be assigned to the Provinces. By Sub-Section 2 of Section 140 it was provided that one-half or such greater proportion as His Majesty in Council might determine of the net proceeds in each year of export duty on jute or jute products would be assigned to the Provinces or Federated States in which jute was grown.

Even before the establishment of Pakistan, Section 138 of the Government of India Act, 1935, dealing with the assignment of income tax proceeds to the Provinces, was amended. According to Section 1 of India and Burma (Miscellaneous Amendments) Act, 1940, it was provided that the Federation could retain the whole of the income tax proceeds originally assigned to Provinces. This example was also followed by the Government of Pakistan when in November, 1947, it was decided in a conference consisting of representatives of the Central and Provincial Governments that the allocations of income tax would no longer be made by the Centre as long as the defence expenditure

remained heavy.[7] Impressed by the financial difficulties with which the Central Government was faced at that time and also perhaps because the Quaid-i-Azam himself made a special appeal, the Provincial representatives agreed to waive their rights to their respective income tax allocations.

Under Section 140 of the Government of India Act, 1935, the minimum share of jute export duty to which the jute growing Provinces were entitled was 50 per cent. This was changed by the Pakistan (Provisional Constitution) Order, 1947, and it was provided that the share would be determined by the Order of the Governor-General. This was of course done by the Quaid-i-Azam and East Bengal did not protest. But in 1951, during the General Discussion of the Central Budget, Nurul Amin protested vehemently against such encroachments. He pointed out that the law concerning the allocation of jute export duty had been changed without the knowledge of the Province concerned. He also said,

> "Now, Sir, they did not stop there. Under that very Section (S. 140) the Governor-General in Council before Partition fixed up a maximum of 62-1/2 per cent of the jute export duty to be allotted to the Province. One fine morning that order was also changed and the Governor-General modified and changed that order to the effect that 62-1/2 per cent should be their share with a maximum limit of 3-1/2 crores. That was not there in the previous order. So you will see that by two consecutive orders—one by changing the law and another by changing the Governor-General's order—the jute export duty—the share of that duty—was reduced considerably and the Province to that extent was deprived of that."[8]

In addition to this the Central Government also increased its financial power by transferring a Provincial source of revenue like the sales tax to the Central Legislative List. Before Partition, the sales tax was levied by the various Provinces. On March 2, 1948, by Section 3 of the Government of India (Amendment) Act, 1948, it was provided that the Central Government would levy and collect the sales tax and that certain prescribed portions of the net proceeds

of this tax would be assigned to Provinces. In this manner, Section 140A was inserted into the body of the Act and sales tax became a Central source of revenue until March 31, 1950. This period was further extended to March 31, 1952 by Section 2 of the Government of India (Fourth Amendment) Act, 1950.

All this goes to show that by a series of adaptations and amendments the Central Government was increasing its financial power and weakening that of the Provinces. In the beginning, when it was faced with tremendous financial difficulties, perhaps it was justified in withholding grants that were due to the Provinces and transferring Provincial sources of revenue like sales tax and succession duties to the Central Legislative List.[9] But later on, when the financial position of the Central Government improved considerably so that the Finance Minister in his Budget of 1951-1952 announced a surplus of nearly 290 million rupees, the Provinces were justified in protesting bitterly about the way their financial position had been deteriorating and that of the Central Government improving steadily. Nurul Amin, the Chief Minister of East Bengal, was the most outspoken of those who protested against the Central Government. During the General Discussion of the Central Budget for 1951-1952, he said,

> "This is how the Centre is trying to deprive the Provinces of their sources of taxation and flattering itself to produce very satisfactory and superfluous or super-surplus budgets, year after year; whereas the Provinces are pining. Provinces are faced with deficits in East Bengal: It is four crores, five crores every year. This deficit is not due to maladministration of the Provinces but it is due to the fact that on the one hand Provinces are deprived of their various sources of income and on the other hand they are not receiving the proper attention from the Centre. Now, Sir, this policy of strangulation of the Provinces must go. This policy has got to be changed. The Centre should not build its castle on the carcasses of the Provinces."[10]

How this financial predominance of the Central Govern-

ment affected the Provinces and how dependent they became on grants-in-aid from the Central Government to administer most of the functions confided to them by the Constitution forms the subject matter of the next section.

## II. GRANTS FROM THE CENTRAL GOVERNMENT TO THE PROVINCES

### 1. *Analysis of the Provincial Budgets*

From the figures given on the following page, it may be seen that the budgetary position of the Central Government improved steadily and during the year, 1950-1951, the surplus rocketed to nearly 290 million rupees, and the following year's surplus was estimated at 200.7 million rupees. These surpluses arose largely from the cotton and wool export duties imposed in 1950 when the prices of these commodities rose sharply in response to an increase in world demand following the outbreak of the Korean War. The non-devalued Pakistan rupee proved so little of an obstacle to foreign buyers that prices began to get seriously out of hand in the Karachi cotton market. The Government increased the export duty in October, 1950, from Rs. 60 to Rs. 180 per bale. Even this was of no avail, and the crisis continued with the result the duty was raised to Rs. 300 per bale in the following month. This explains much of the unexpected windfall that the Government reaped in the form of higher Central revenues.

It has already been explained in the earlier section that the Central Government budgets continued to be surplus budgets since 1948-1949 mostly because the Central Government retained all of the income tax receipts and 50 per cent. of the sales tax receipts.

#### *East Bengal*

It may be seen from Table II that East Bengal was faced with a series of deficit budgets. The most important sources of the Provincial revenue were customs (East Bengal's share of the export duty on jute), land revenue, stamps and Provincial excise. Its share of the export duty on jute was

## TABLE I

### CENTRAL BUDGETS [1]

(Rs. Million)

| | 1947—48 (For 7-1/2 months) | 1948—49 | 1949—50 | 1950—51 |
|---|---|---|---|---|
| Revenue Receipts .. | 206.9 | 589.3 | 754.6 | 1649.6 |
| Revenue Expenditure .. | 440.2 | 582.7 | 752.3 | 1360.0 |
| Deficit (—) Surplus (+) .. .. | —233.3 | +6.6 | +2.3 | +289.6 |

## TABLE II

### BUDGETARY POSITION OF THE PROVINCES[2]

(Rs. Million)

| | 1947—48[3] | 1948—49 | 1949—50 | 1950—51 | 1951—52 |
|---|---|---|---|---|---|
| **East Bengal :** | | | | | |
| Revenue .. | 97.2 | 168.6 | 144.2 | 176.0 | 201.1 |
| Expenditure | 88.4 | 160.0 | 171.0 | 182.4 | 222.6 |
| Deficit (—) Surplus (+) | +8.8 | +8.6 | —26.8 | —6.4 | —21.5 |
| **West Punjab :** | | | | | |
| Revenue .. | 65.7 | 172.1 | 195.0 | 221.8 | 259.1 |
| Expenditure | 108.8 | 194.3 | 183.1 | 205.0 | 228.5 |
| Deficit (—) Surplus (+) | —4.3 | —22.2 | +11.9 | +16.8 | +30.6 |
| **Sind :** | | | | | |
| Revenue .. | 82.3 | 76.2 | 71.9 | 83.0 | 95.3 |
| Expenditure | 95.2 | 82.5 | 80.8 | 83.3 | 106.9 |
| Deficit (—) Surplus (+) | —12.9 | —6.3 | —8.9 | —0.3 | —11.6 |
| N-W.F.P. | | | | | |
| Revenue .. | 33.6 | 32.0 | 33.1 | 42.0 | 47.7 |
| Expenditure | 36.6 | 34.1 | 37.7 | 44.3 | 49.4 |
| Deficit (—) Surplus (+) | —3.0 | —2.1 | —4.6 | —2.3 | —1.7 |

[1] The Central Budget figures have been taken from **Economy of Pakistan (1950)** (Karachi : Ministry of Economic Affairs, 1951), p. 270. Figures for the year 1950-1951 have been taken from the Central Budget for 1951-1952.

[2] Figures for budgetary position of the Provinces are from **Pakistan 1953-1954** (Karachi : Pakistan Publications, n.d.), p. 26.

[3] For East Bengal and West Punjab, the period is 15th August 1947 to 31st March 1948, and for Sind and the N-W.F.P., the period is full year 1947-1948.

TABLE III

CENTRAL GOVERNMENT LOANS TO PROVINCES[1]

(Rs. Million)

| | 1948—49 | | 1949—50 | | 1950—51 | | 1951—52 | |
|---|---|---|---|---|---|---|---|---|
| | Amount-Sanctioned | Amount-Drawn | Amount-Sanctioned | Amount-Drawn | Amount-Sanctioned | Amount-Drawn | Amount-Sanctioned | Amount-Drawn |
| **East Bengal** | 40.0 | — | 42.1 | — | 20.0 | 20.0 | 33.0 | 33.0 |
| **West Punjab** | 50.0 | 50.0 | 52.5 | 52.5 | 40.0 | 40.0 | 45.0 | 45.0 |
| **Sind** | 17.5 | — | — | — | 17.6 | 3.5 | 15.0 | — |
| **N.W.F.P** | 5.2 | 5.2 | 9.0 | 4.0 | 7.5 | 7.5 | 15.0 | 15.0 |
| **Total** | 112.7 | 55.2 | 103.6 | 56.5 | 85.1 | 71.0 | 108.0 | 93.0 |

TABLE IV

CENTRAL GOVERNMENT GRANTS TO PROVINCES[2]

(Rs. Million)

| | 1947—48 | 1948—49 | 1949—50 | 1950—51 |
|---|---|---|---|---|
| **East Bengal :** | | | | |
| Refugee Rehabilitation | — | — | 2.5 | — |
| Agricultural Development | — | — | 3.2 | — |
| Social Services (Public Health, Education, etc.) | — | — | 1.05 | 55.0 |
| **West Punjab :** | | | | |
| Refugee Rehabilitation | — | 12.5 | — | — |
| Agricultural Development | — | — | 2.5 | — |
| Social Services (Public Health, Education etc.) | — | — | 1.05 | 50.0 |
| **Sind :** | | | | |
| Refugee Rehabilitation | 3.3 | 2.0 | — | — |
| Agricultural Development | — | — | 2.5 | — |
| Social Services (Public Health, Education, etc.) | — | — | — | 20.0 |
| N.W.F.P : | | | | |
| Refugee Rehabilitation | — | .5 | — | — |
| Agricultural Development | — | — | 1.5 | — |
| Social Services (Public Health, Education, etc.) | — | — | .065 | 15.0 |
| Subventions .. | 11.5 | 10.0 | 10.0 | 10.1 |

[1]Figures for the Central Government Loans to Provinces have been taken from Pakistan 1953—1954 (Karachi: Pakistan Publications, n.d.), p. 29.

[2]Figures compiled from the following sources: **Economy of Pakistan (1950)** (Karachi : Ministry of Economic Affairs, 1951), p. 331; and **Constitutent Assembly (Legislature) of Pakistan Debates**, Wednesday, 11th January, 1950, Vol. II, No. 11 p. 426. Figures for 1947-48 were supplied by the Planning Board, Government of Pakistan, Karachi.

its largest single source of revenue. Land revenue and irrigation contributed only 13 per cent. of the revenue as against 36 per cent. in the Punjab and 45 per cent. in Sind. This was mainly due to the Permanent Settlement of Bengal as a result of which the land revenue assessment could not be increased.

Although East Bengal had more than half of the population, yet its total revenue was less than one-third of the total Provincial revenue of Pakistan. The total income tax receipts that the Central Government received from East Bengal were 28 million rupees in 1950-51, whereas West Pakistan's share of income tax receipts was 97 million rupees. East Bengal's contribution towards sales tax receipts was 10.2 million and that of West Pakistan was 66 million.[11]

Out of these sources East Bengal received 50 per cent. of the sales tax that the Central Government collected in the Province. Its share of jute duty was 52.5 per cent. in 1948-49, 85.6 per cent. in 1949-50, 61.8 per cent. in 1950-51 and 60 per cent. in 1951-52. Thus, in the latter year, East Bengal's estimated share was 60 million rupees and that of the Centre 40 million.[12]

In these circumstances it was not possible for East Bengal to devote much attention towards what are called nation-building activities. Most of its expenditure on these activities came not from revenue account but was charged to capital account. Even this, according to the budget estimates of 1950-51, was no more than 25.9 million.[13] Nurul Amin in his Budget speech in 1951 said:

> 'The only alternative left to us is to ask the Centre to be more generous in the matter of division of revenues. We are pressing the Centre for giving us a larger share of the revenues derived from jute, for getting us a share of income tax and for the return of the sales tax to the province. We have also asked the Centre to bear a larger share of the cost of border protection forces and E.P.R. and also to meet a portion of the expenditure that is going to be incurred on the introduction of the compulsory free primary education in this province."[14]

Mafizuddin Ahmed, Minister for Relief and Rehabilitation in East Bengal, speaking on the Sales Tax Bill in the Central Legislature, said, "East Bengal is almost on the verge of collapse and unless this tax is returned, unless a fair reallocation of the revenues is made, Sir, I find darkness and darkness."[15]

In order to finance the development schemes of the Province, the Central Government advanced loans to the tune of Rs. 53 million during 1950-52 to the Provincial Government. In addition, during the year 1948-50, the Provincial Government received a grant of 3.2 million for agricultural development schemes and Rs. 2.5 million for the rehabilitation of refugees. In the Budget of 1951 a grant of Rs. 25 million for social uplift schemes was made to East Bengal. This was further enhanced by another 30 million on June 4, 1951 when the Prime Minister of Pakistan made grants to the various Provinces out of 100 million rupees funded for social uplift schemes in the Central Budget.

*West Punjab*

As may be seen from Table II, the Province of West Punjab was faced with deficits during the years 1947-49. Its economy had been dislocated as a result of the partition of the former Province of Punjab and the inflow of nearly six million refugees. The Central Government made a grant of 12.5 million rupees for the rehabilitation of refugees. In September, 1948, the Provincial Government was also offered a loan of Rs. 50 million for development schemes and another loan of 30 million for the repayment of the Punjab Bonds which matured on September 1, 1948. As a prerequisite to the grant of this assistance, the Centre suggested that the entire expenditure of the Provincial Government should be subjected to scrutiny by Central Government officers. This meant that the finances of West Punjab would be subjected to the same kind of scrutiny as the finances of any Ministry of the Central Government were. According to *Dawn* of April 11, 1949, a Financial Adviser to the Provincial Government, but responsible to

the Central Government, had been appointed as early as September, 1948, to scrutinize the finances of the Provincial Government. The Provincial Ministers were reluctant to accept such rigid control over the Provincial finances by the Central Government and negotiations between the two Governments dragged on. However, imposition of Section 92A in January, 1949, enabled the Central Government to establish its control and scrutiny over Provincial finances.[16]

Table II indicates, the financial position of West Punjab improved steadily during the years 1949-52 so that in 1952 it enjoyed a surplus of 30.6 million rupees. This was done primarily by more rigorous and efficient methods of collection of Provincial taxes and by imposition of agricultural income tax, urban immovable property tax, etc. The most important sources of revenue were irrigation and land revenue, which together accounted for about 36 per cent. of the total revenue of the Province.

The main heads of capital expenditure were: Irrigation Works, Agricultural Improvement and Research, Industrial Development, Civil Works, Electricity Schemes, and State Trading Schemes. During the years 1948-51 the Central Government offered loans amounting to Rs. 142.5 million to finance the development schemes of the Province. As pointed out earlier, the Province also received an outright grant of Rs. 12.5 million in 1948-49 for rehabilitation of refugees. It was also granted Rs. 2.5 million during 1949-50 for agricultural development schemes.[17] In the Budget of 1951 the Finance Minister announced a grant of 25 million rupees to West Punjab for social uplift schemes. This was enhanced by another 25 million in June, 1951. The total Central Government grant in 1951 was thus 50 million rupees. East Bengal, which had a larger population than the whole of West Pakistan, received only 55 million in grants in 1951.

*Sind*

Table II shows that Sind was faced with a series of deficits throughout the years 1947-52. Before Partition, Sind enjoyed a very sound budgetary position. Its accumu-

lated revenue surpluses amounted to over Rs. 100 million. But Partition brought in its wake economic dislocation, loss of revenue resulting from the separation of Karachi, and mounting expenditure on refugee rehabilitation. It may, however, be mentioned that in spite of its series of deficits, the Provincial Government had been transferring from its land revenues about 20 million rupees annually to a fund called the Land Revenue Equalization Fund. The balance in the fund at the end of 1950-51 was of the order of Rs. 120 million. Thus, it was obvious that if these transfers had not been made to this fund, the Province would have had surpluses instead of deficits.

The items of capital expenditure were: Irrigation, Agricultural Improvement, Electricity schemes, Civil Works, and Public Health schemes. The most important of these was irrigation which was the mainstay of the Provincial economy. Capital expenditure had increased steadily from Rs. 20 million to 94.3 million.

During the years 1948-50 the Central Government advanced a loan of 17.5 million rupees and also made direct grants of 2.5 million for agricultural development schemes and 5.3 million for rehabilitation of refugees.[18] Representatives of Sind and East Bengal constantly complained in the Central Legislature of what they called centralization of economic and political power. M. A. Khuhro and M. H. Gazder complained bitterly about the loss of revenue that the Province had to face as a result of the separation of Karachi from the Province. On March 28, 1951, the Sind Legislative Assembly passed a resolution calling upon the Provincial Government to approach the Pakistan Government to give a substantial share of the revenues accruing from the increased export duty imposed on cotton. The resolution also said that imposition of the duty had resulted in loss to the Sind cultivators and also affected the land revenue of the Sind Government.

Sind received altogether 20 million rupees for social uplift schemes during the year 1951.

*The N-W.F.P.*

The budgetary position of the N-W.F.P. during the years

1947-52 was also one of a series of deficits. Before Partition the Province used to receive an annual subvention of 10 million rupees from the Central Government. This was continued by the Government of Pakistan. It may, however, be pointed out that after Partition the amount of capital expenditure increased steadily from Rs. 5.9 million in 1947-48 to 19.4 million in 1950-51. The main items of capital expenditure were: Irrigation, Electricity schemes, and State Trading schemes. The Central Government made loans of 16.7 million rupees during the years 1948-51, and also a grant of 1.5 million during 1948-49 to finance development schemes. The allocation made to the N-W.F.P. for social uplift schemes in 1951 was 15 million rupees.

Sir Jeremy Raisman has pointed out, "In the course of my study of the financial conditions of the North West Frontier Province I was particularly impressed with the inelasticity of the Provincial revenues and their inadequacy to finance even modest schemes of social improvement."[19]

2. *Loans and Grants*

From the analysis of the various Provincial budgets, it may be seen that no Province was in a strong financial position. All of them clamoured for Central attention. The financial weakness of the Provinces enabled the Central Government to treat them not like autonomous units of a Federation but as local municipalities.

It has been pointed out earlier that the Central Government had set up an elaborate machinery under the Ministry of Economic Affairs to co-ordinate and set priorities among the Central and Provincial development plans. The Central and Provincial development plans were co-ordinated and scrutinized by the Development Board. The Development Board consisted entirely of Central Government officials and was presided over by the Minister of Finance and Economic Affairs. It is noteworthy that the role assigned to the Planning Advisory Board, which had Provincial and non-official representatives, was merely that of advising the Government on matters of planning and development, whereas final decisions were taken either by

the Development Board or the Economic Committee of the Cabinet, which consisted only of Central Government Ministers and officials.

Even in the matter of granting loans to various Provinces the Development Board asked for detailed schemes to be submitted for its scrutiny and approval. For example, the Development Board in June, 1949, made a loan of Rs. 9 million to the N-W.F.P. after examining carefully the eight development schemes that the Province had submitted. There were certain conditions on which these loans were advanced. It was made quite clear that the loans sanctioned should not be expended except on schemes for which the prior approval of the Development Board had been obtained. Even after a loan had been sanctioned it did not automatically follow that the Provincial Government could draw the whole of it. Thus, Table III indicates that in 1949-50, the N-W.F.P. Government drew only 4 million from the 9 million sanctioned to it. Even after a scheme had been approved and loan granted by the Development Board, the Provincial Government had to send what were known as "Project Reports" to the Central Government. Sometimes the Central Government would send its own consulting engineers to help the Provincial engineers to prepare the "Project Reports". Perhaps one of the reasons why the East Bengal Government did not draw the loans of 40 and 42.1 million sanctioned to it during 1948-50 was that it did not complete some of the preliminary work involved in sending the "Project Reports" of its schemes to the Central Government.[20]

In the Central Government Budget of 1949-1950 a provision of 10 million rupees had been made for agricultural development. This sum was to be made available to the Provinces provided the specific schemes they submitted were approved by the Development Board. Table IV indicates the grants made to the four Provinces. Out of the various schemes submitted by the N-W.F.P., the Board approved only certain schemes dealing with irrigation, sugar cane industry, and development of better qualities of wool in the Province. The Government of Sind had sub-

mitted a scheme for subsidized distribution of sulphate of ammonia. The Board approved of the scheme, but it was made clear that the distribution of subsidized fertilizers should be restricted to farms not exceeding 200 acres so that the benefits of this scheme might be enjoyed by a large number of people.[21]

The sort of scrutiny and control that the Central Government could exercise not only over the allocation of grants to the needy Provinces, but also over the ways these grants were to be spent by the Provinces, is illustrated by what happened in the Provincial Chief Ministers Conference held in Karachi in the beginning of June, 1951. The Finance Minister had announced that in the Budget of 1951-52, 180 million rupees would be available for social uplift schemes. Out of these he himself had allocated 80 million among the various Provinces in his budgetary proposals. Thus, 100 million remained to be allocated.

The Provincial Ministers who came to the Conference brought with them ambitious schemes for their respective Provinces. The Chief Minister of West Punjab came with schemes which would cost 200 million. The Ministers from East Bengal had brought 23 elaborate schemes of social uplift. Similarly, Sind put forward its own schemes with a total estimated cost of 70 million rupees. It was interesting that the allocations that had been made totalled 180 million, whereas the schemes that the various Provinces had put forward would cost nearly 540 million. Another fact to be noted was that the Central Government, besides asking the Provincial representatives to prune their demands in accordance with the allocations, was also examining each of the schemes submitted minutely. In addition to this, the Provincial Governments were also directed to spend not less than 30 per cent. of the allocation on public health and similarly, not less than 30 per cent. of the allocation on education. It was also made clear that the Provinces would have to bear the recurring expenses of the schemes they initiated in their respective areas with the sums allocated to them.[22]

It may be pointed out that the Provinces, while initiating

some of these schemes financed by Central allocations, did not realize that the recurring maintenance expenditure would be greater than their future revenues could bear. Sir Jeremy Raisman noted these difficulties when he wrote:

> "It is particularly undesirable that the Centre, when dispensing non-recurring grants, should insist on their being spent in a matter which inevitably entails an additional burden of unremunerative expenditure which the Province sees no way to sustain. More latitude should in my opinion be given to the Provinces to spend Central grants on items which do not entail heavy recurring expenditure."[23]

### III. Concluding Remarks

To paraphrase Dicey, federalism implies legalism.[24] Its distinct hallmark is a clear-cut demarcation of power between the Central and Provincial Governments. It is a plant which grew in the Western world during the heyday of *laissez faire*. It is one of the off-shoots of the central doctrine of Western political thought, namely, that no government should have absolute power and all power should be checked and hedged to protect the individual. In Pakistan, on the other hand, there was a confluence of two traditions, both of which were alien to federalism. The tradition that Pakistan inherited from Islam was that of an all-powerful, monolithic unitary state. Once the law of God was clearly laid down, all opposition, either that of a party or Province, was supposed to melt away. This tradition mingled with another tradition which was inherited from British India, namely, that of a strong Viceregal government. During 1937-47 there might have been Provincial autonomy in many parts of India, but the Central Government was a unitary government based on the Government of India Act, 1919. In such an environment, federalism with its division of powers between the Central and Provincial authorities, would at best be regarded as an importation still to be tried or adapted.

The tradition of strong Central Government was further reinforced by requirements of economic planning and

mobilization of resources. The chief characteristic of economic planning is unification of authority and not its diffusion. An undeveloped country is always in a hurry and so was Pakistan—to industrialize itself and raise its living standards. The problem was therefore one of allocation of scarce resources among competing industries. This meant a strong Central Government was needed which would give clear directions and the Provinces would have to give their complete co-operation if the economic objectives were to be attained. Thus, Pakistan's planners argued that federalism was a luxury which the country could ill afford. Ghulam Mohammed made it repeatedly clear in his budget speeches that all the claptrap about Provincial autonomy must cease as it was merely a hang-over from the past when the country was not free. Since the Central Government was a representative government, argued Ghulam Mohammed, Provinces had nothing to fight against, whereas in British India, Provinces waged a constant struggle against the Central Government which was an alien government. Zahid Hussain, Governor of the State Bank of Pakistan, belonged to the same school of thought. In his Presidential Address to the First All-Pakistan Economic Conference, he suggested that Provincial budgets should be organically united with the Central budget, the whole being wielded as one well-integrated weapon for employment in the service of the country for its maximum benefit. "I do not advocate the merging of all budgets into one national budget in which the units lose their identity", he said, "but I do recommend their co-ordination and integration which can be achieved only if they are managed with technical knowledge of the principles applicable to them."[25]

The only Province which struck a discordant note was East Bengal. A Bengali cherished his language and culture very dearly. It looked as if in the new zeal for Islamic planning, his language and culture would be swept away. In addition to this, he found that even though his Province had the majority of people in Pakistan, he was not getting the thickest sliçes from the federal bread. The Central Government pleaded that the federal bread could

not be distributed on the basis of population alone and that the Bengalis had contributed much less than their brethren in West Pakistan towards the making of this bread.

FOOTNOTES

1. *Constituent Assembly (Legislature) of Pakistan Debates*, 17th May, 1948, Vol. I, No. 17, pp. 627-628.
2. *Ibid.*, 10th March, 1949, Vol. I, No. 16, p. 627.
3. *Ibid.*, pp. 627-635.
4. *The Gazette of Pakistan*, February 23, 1951.
5. K. C. Wheare, *Federal Government* (London: Oxford University Press, 1953), p. 101.
6. These grants have been replaced by very much larger ones as a result of various "tax rental agreements" which the Dominion Government has entered into with the Provinces. Provinces have thus "rented" their Provincial tax fields to the Dominion Government in return for these grants. All Provinces, except Quebec, have entered into these agreements.
7. *Constituent Assembly (Legislature) of Pakistan Debates*, 24th March, 1951, Vol. I, No. 4, pp. 271-272.
8. *Ibid.*, 21st March, 1951, Vol. I, No. 2, p. 53.
9. In the original Government of India Act, 1935, item number 56 of the Federal Legislative List was, "Duties in respect of succession to property other than agricultural land." The words "other than agricultural land" were omitted by the Government of India (Amendment) Act, 1948, with the result the Pakistan Government could impose duties in respect of succession to any kind of property.
10. *Constituent Assembly (Legislature) of Pakistan Debates*, March 21, 1951, No. I, No. 2, p. 54.
11. *Constituent Assembly (Legislature) of Pakistan Debates*, 24th March, 1951, Vol. I, No. 4, p. 238.
12. *Ibid.*, pp. 273-274.
13. For details see *Economy of Pakistan* (1959). (Karachi: Ministry of Economic Affairs, 1951), Appendix F, p. 302.
14. Quoted by Mafizuddin Ahmad, *Constituent Assembly (Legislature) of Pakistan Debates*, the 2nd April, 1951, Vol. I, No. 12, p. 753.
15. *Ibid.*
16. *Dawn* (Karachi), April 11, 1949.
17. *Economy of Pakistan*, *op. cit.*, pp. 279-281.
18. See Table III.
19. Sir Jeremy Raisman, *Financial Enquiry Regarding Allocation of Revenues between the Central & Provincial Governments* (Karachi: Government of Pakistan, 1952), p. 6.
20. *Constituent Assembly (Legislature) of Pakistan Debates*, 2nd

October, 1950, Vol. II, No. 2, pp. 62-64.

21. *Dawn* (Karachi), November 15, 1949.
22. *Dawn* (Karachi), June 7, 1951.
23. Sir Jeremy Raisman, *op. cit.*, p. 7.
24. A. V. Dicey, *Introduction to the Study of the Law of the Constitution* (London: Macmillan, 1924), pp. 175-176.
25. *Dawn* (Karachi), April 29, 1949.

# PART FIVE

## WHITHER PAKISTAN?

The fault, dear Brutus, is not in our stars,
But in ourselves, that we are underlings.

*Julius Caesar*, Act I, Scene II.

# XIV

## THE ROLE OF THE CIVIL SERVICE

The British often used to describe the Indian Civil Service as the steel frame of the whole structure which constituted the Government of India.[1] Today in the Government of Pakistan the civil servants often play an even more powerful role than that of their imperial predecessors. Their ascent to power has been both steady and dramatic. Under the dominating personality of the Quaid-i-Azam and his successor, Liaquat Ali Khan, the civil servants effectively controlled the entire administration in the Provinces and the politicians there were kept in power subject to their willingness to obey Central Government directives. Three of the four Governors under Jinnah were British and former Indian Civil Service officers and two of these Governors presided over Cabinet meetings.[2] One of them was able to reallocate portfolios without the approval of his Chief Minister. All of them wrote fortnightly letters to the Quaid-i-Azam giving a detailed account of everything ranging from intrigues in the Provincial Cabinets to details of refugee rehabilitation or the food problem.[3]

Under Prime Minister Liaquat Ali Khan, whose authority was never as great as that of the Quaid-i-Azam, the Central Government could often resort to Section 92A or use the Public and Representative Offices (Disqualification) Act, popularly known as the PRODA, to dismiss defiant or corrupt Provincial politicians. Thus, under Section 92A the Provincial Legislative Assembly of West Punjab was dis-

solved in January, 1949, the Government dismissed and administration taken over by the Governor. Sind was the scene of its usual see-saw for political power between competing and intriguing politicians. Only the North-West Frontier Province was an exception, thanks to the stable but severe regime of Khan Abdul Qaiyum Khan. Politics in West Pakistan was always dominated by the big landlords, and under such a system the struggle for power did not take place by public discussion and competitive bidding for the support of voters. Landlords in West Pakistan were not supported in their constituencies by voters but by tenants. Under such circumstances it was not surprising that landlord-politicians by their constant intrigues against one another often rendered themselves impotent and power gravitated towards the best organized and disciplined group, the Civil Service.

Moreover, in what today constitutes West Pakistan the Indian Civil Service and the Indian Political Service officers had been brought up in the old British tradition of exercising maximum discretionary power within their Districts with minimum interference from Delhi or Lahore. In the Punjab and in the Frontier the prevailing view was that a Sahib was a Sahib and any nagging or interference in his administration by politicians was resented.[4] This tradition was kept alive during the formative period of Pakistan's existence when British Governors administered the Provinces and later (thanks to frequent imposition of Section 92A or prosecution of politicians under the PRODA) the same kind of confident officials who felt sure that they knew what was good for the people were in command; only their complexions were different.

In East Pakistan, on the other hand, the Permanent Settlement had divorced District Officers to a certain extent from close contact with the people in the important sphere of revenue administration.[5] Thus, East Bengal, remote and riverine, lagged behind. It may be noted also that politicians in East Bengal, after Partition, could be more powerful because the Province was not dominated by landlords (for most of them having been Hindus had fled to India). But as

opposed to West Pakistan, East Pakistan had hardly any native civil servants. "If one went to the East Bengal Secretariat one was surprised not to find a single Bengali Secretary in the whole of the Bengali Secretariat," declared Dr. Mahmud Husain in the Constituent Assembly.[6] Since politicians often championed the cause of Provincial autonomy and stressed the uniqueness of Bengali culture, the West Pakistani civil servants could claim that they had to act as the steel framework which maintained the national unity and solidarity of Pakistan. During the PRODA proceedings instituted against the Provincial Minister of Finance and Commerce, Hamidul Haq Chowdhury, the Chief Secretary (a civil servant) revealed in September, 1950, that under instructions from the Central Government he had effectively stopped the export of steel drums to India even though Mr. Chowdhury had passed orders that they could be exported. It was constantly asserted by politicians both in the East Bengal Legislative Assembly[7] and in the Constituent Assembly[8] that the Chief Secretary used to send fortnightly reports on the activities of Provincial Ministers to the Central Government.

Thus, though it could be said that under Liaquat Ali Khan the Central Government was in the hands of Muslim League politicians, yet the civil servants could often terminate the tenure of Provincial Ministers in the name of law and order or honest and efficient government.

Under Governor-General Ghulam Mohammed, owing to the indecisiveness and inept policies of the Prime Minister (Khwaja Nazimuddin), the power of the Muslim League politicians declined steadily and it looked as if civil servants led by the Governor-General had extended their influence over the Central Government itself. The Muslim League Government of Khwaja Nazimuddin not only grossly mismanaged the language question in East Bengal (Nazimuddin's home Province) but was declared by the Munir Report jointly responsible, along with the West Punjab Muslim League Government of Daultana, for the religious riots in West Punjab. If there had been an alternative political party, it was likely that the politicians would have

still remained in power. But the Muslim League, by taking credit for the establishment of Pakistan, took care that no alternative party arose to challenge their position. Ghulam Mohammed's summary dismissal of Nazimuddin in April, 1953, demonstrated without doubt who exercised effective power.

When Ghulam Mohammed packed off Pakistan's rump Parliament (the Constituent Assembly) on October 24, 1954, and chose his Council of "all talents," it could be said that a sort of Viceroy's Executive Council had reappeared in which real power was in the hands of administrators. The Governor-General, Ghulam Mohammed, had orginally started his career as a civil servant in the Indian Audit and Accounts Service. Major General Iskander Mirza, a civil servant who had been Secretary of the Ministry of Defence and later Governor of Bengal, was placed in charge of the Ministries of Interior and of States and Frontier Regions. Chaudhri Mohamad Ali continued as Minister for Finance and Economic Affairs. He had also originally been a civil servant having worked as Secretary-General and Cabinet Secretary under Liaquat Ali Khan and later becoming Finance Minister under Khwaja Nazimuddin. General Ayub Khan, the Commander-in-Chief, was given the Ministry of Defence. Thus, all the key portfolios were in safe hands. Men with strong Muslim League party affiliations were deliberately kept out and independents like Khan Sahib or an industrialist like M. A. H. Ispahani were included. Muhammad Ali (Bogra) continued as Prime Minister, but how subservient he had become to the Governor-General may be seen from the fact that, even though he was a Muslim League Prime Minister and the President of the Muslim League, he had "advised" the Governor-General to dissolve a Constituent Assembly which had an overwhelming Muslim League majority and replace a Muslim League Cabinet.

Expounding the political philosophy of the regime, Iskander Mirza declared:

"Some undeveloped countries have to learn democracy, and until they do so they have to be controlled. With so

many illiterate people, politicians could make a mess of things. There was nothing undemocratic in declaring the State of Emergency, because 95 per cent. of the people welcomed it.

The people wanted an honest government (he declared) and they would get it. They would also get law and order, and prompt justice. There was no point in having the fine British administrative system with good traditions that Pakistan had inherited unless it was run in the British way. A district officer or magistrate must be given full powers to deal with any situation. Politicians could make policy, but they must not interfere. The Government must be judged by results, and the generals did not want to stay one moment longer than was absolutely necessary."[9]

Ghulam Mohammed knew only one method of dealing with his opponents: their ruthless elimination. Thus, once he decided to integrate the three Provinces and a number of other political units of West Pakistan into a united West Pakistan Province, he ensured, by a repeated recourse to Section 92A, the elimination of all those Chief Ministers who opposed integration. The Chief Ministers of Sind, Bahawalpur, the North-West Frontier Province and West Punjab fell from office one after another. But Ghulam Mohammed had been a sick man ever since he had assumed office in October, 1951, and by the middle of 1955 his energies had failed. On July 6, 1955, Major General Iskander Mirza assumed office as acting Governor-General and on March 23, 1957, with the inauguration of the new Constitution, he became President of the Islamic Republic of Pakistan.

A significant consequence of General Mirza's emergence as Governor-General was that the civil servants could feel assured that politicians would not be allowed, as Mirza once put it, to "make a mess of things." He himself had also been a civil servant for twenty-eight years before he was appointed Minister of Interior in October 1954; and it was by no accident that he chose as his first Prime Minister Chaudhri Mohamad Ali, another civil servant who as

Secretary-General had organized and headed the entire Civil Service of Pakistan.

In contrast to those of Ghulam Mohammed, Mirza's methods were much more subtle. By appointing safe men in powerful positions and by having a party of his own he wielded the same influence and power without being as ruthless as Ghulam Mohammed. Khan Sahib, an ex-Congress Chief Minister of the North-West Frontier Province, was installed in October, 1955, as Chief Minister of the integrated West Pakistan Province. The Muslim League Party, which enjoyed majority support in the West Pakistan Assembly, was probably under the impression that before long a League nominee would become Chief Minister. Accordingly, when League leaders like Daultana, Khuhro and Sardar Bahadur Khan (who were in Khan Sahib's Government) found out that they could expect power neither from Mirza, who was a personal friend of Khan Sahib and profoundly distrusted League politicians, nor from the more reasonable Premier Chaudhri Mohamad Ali, they turned fiercely against both the latter and the Provincial Governor (Gurmani). Khan Sahib's Cabinet Ministers were called upon to join the Muslim League within a week or face expulsion from the Party. Khan Sahib retaliated by forming the new Republican Party. It was revealed later by the Secretary-General of the Republican Party (Mir Abdul Qaiyum) that both President Mirza and Governor Gurmani had played a prominent role in the formation of this party. According to Mir Abdul Qaiyum it was formed "in the Government House, Karachi, and the Government House, Lahore."[10]

What was significant was that Mirza and Chaudhri Mohamad Ali, both civil servants turned politicians, wanted to place in power only those leaders who were not bound by any party discipline and would not trust professional politicians like Daultana and Khuhro. When it suited the Central Government, it would dismiss men like Daultana and Khuhro for their dishonesty or corruption, but when the latter qualities could be utilized for other ends (such as the integration of West Pakistan), Ghulam Mohammed,

Mirza and Chaudhri Mohamad Ali would not hesitate to seek the support of those same politicians. Daultana's services in enlisting support from the Muslim League politicians of Punjab in favour of the integration of West Pakistan had been immense. Khuhro's help was no less valuable. On October 23, 1954, Khuhro's predecessor, Pirzada, had obtained a signed statement opposing integration from 74 of the 110 members of the Sind Assembly,[11] but on December 11, 1954, under the persuasive influence of Khuhro, the same Assembly approved the One Unit Resolution by 100 votes to 4.[12] In spite of these services, neither the Muslim League nor Daultana and Khuhro were given real political power in the integrated Province of West Pakistan.

*The Times* (London) noted the turn of events in Pakistan as follows: "It draws attention to the recurrent conflict in Pakistan between those who want the ablest leaders to exercise supreme power, irrespective of popular support and those who think it more important that the Chief Minister should be supported as widely as possible by the dominant party."[13] The *Observer's* comments were even more pointed. It wrote: "The political complexion of Pakistan in the future will be largely determined by the extent to which these British-trained senior administrators and army officers consider that they are the only ones qualified to control the evolution of the country's institutions."[14] *Dawn's* caustic comments were: "If you play about with eugenics, freak offsprings often result; similarly if Power tries artificial insemination with Democracy, democratic institutions can become freaks. Such is what our disgusted people now behold."[15]

In September 1956, when Chaudhri Mohamad Ali resigned and H. S. Suhrawardy formed his Government, it was widely believed that the politicians would now gain the upper hand. But this overlooked the fact that, though the President under the new Constitution had been divested of most of the discretionary powers enjoyed by his predecessors (the Governors-General), he nevertheless had the support of the 26 members of the Republican Party who

formed the majority in Suhrawardy's Awami League- Republican coalition. It did not take long for Suhrawardy to realize that real power still lay with the President. Thus, on October 10, 1957, when the Republican Party withdrew its support, Suhrawardy asked the President to summon the National Assembly in order to consider whether he still enjoyed the confidence of the majority of the members of the National Assembly. To quote Suhrawardy himself. "He (the President) immediately wrote back a letter refusing to call a meeting of the National Parliament, stating that he knew about the position of the parties, and called on me to resign by 11 o'clock in the morning otherwise he would take action."[16] It is worth recalling that previously (in September, 1955, speaking in the Constituent Assembly) Suhrawardy had described the position of the Prime Minister as follows: "So, Sir, to be the Prime Minister of Pakistan which has been held by certain honourable gentlemen who have been turned out, taken by the ears and thrown out as it suited the ruling coterie, is not a matter of very great honour."[17] The situation in 1957 had clearly not changed much. The difference between the earlier outright dismissal of Nazimuddin and effective elimination of Suhrawardy was only one of method.

The Government of Pakistan could be described as a pyramid carved out of a single rock, and it has been shown how the civil servants captured the apex of the pyramid. Below the apex were several layers of authority descending downwards from the Secretariat level to the base of the pyramid, the District administrators.

## I. Organization of the Civil Service

Members of the old Indian Civil Service were liable to be assigned for duty anywhere in India, but in practice they were divided into a number of cadres on a Provincial basis and transfers from one Province to another were rare. The Central Government met its own needs by seconding officers from the Provinces. In contrast, the officers of the Civil Service of Pakistan were required to serve in any Province of Pakistan and would not be assigned exclusively

to the cadre of any particular Province.

At the time of Partition the Civil Service of Pakistan, formed from the former Indian Civil Service and Indian Political Service, consisted of a little over a hundred officers. One of the most serious handicaps that Pakistan suffered, as compared with India, was that there were hardly any officers of sufficient status and experience to act as permanent heads of the new Ministries. In the entire Interim Government of India on the eve of Partition there was not one Muslim officer of the rank of Secretary. There were only four officers of the rank of Joint Secretaries.[18] Many of these deficiencies were made good by quick promotions of the available officers and by also hiring British officers on a contract basis. (The officers who successively headed the Establishment Division of the Cabinet Secretariat until as late as the beginning of 1957 were both British). The total authorized strength according to the Civil Service of Pakistan (Composition and Cadre) Rules of 1954 was 519.[19] But the actual number of officers on the cadre of the Civil Service of Pakistan at the end of 1955 was about 300.

Recruitment is on the basis of competitive written examinations and oral tests. Candidates must be from 21 to 23 years old and graduates of recognized universities. Examinations continue to be weighted in favour of candidates whose proficiency in English is high. Compulsory papers are in English, General Knowledge, and an essay in English, and there is also a wide variety of optional subjects. There are other Central Superior Services such as Police, Audit and Accounts, Customs, Income Tax and Central Excise, which recruit their members through a similar examination. The Foreign Service and the Civil Service usually take the cream of the successful candidates.

The yearly intake of the Civil Service of Pakistan has been in the range of 20 to 25 out of the 50 to 60 successful candidates selected for all the Central Superior Services. The 1956 Constitution lays down in its Directive Principles of State Policy that steps shall be taken to achieve parity between East and West Pakistan in federal services.[20]

However, for the time being the existing ratio between merit and parity is being maintained in the sense that 20 per cent. of vacancies are filled on the basis of merit, the remaining 80 per cent. being divided equally between East and West Pakistan. It may be noted that this ratio between merit and parity applies to the entire Central Superior Services. This often means that, out of the 20 or 25 candidates selected for the Civil Service of Pakistan, East Bengalis number only 5 or 6. In spite of the fact that 80 per cent. of the candidates selected for the Central Superior Services are selected on the basis of parity between East and West Pakistan, West Pakistanis outnumber East Pakistanis by five to one in the Central Services.[21]

Candidates selected go to the Civil Service Academy at Lahore. Here their training (for nine months) includes a study of law (criminal, civil, revenue, and administrative) and the language of Urdu or Bengali as the case may be. Obviously the aim of the Academy, besides providing the necessary training in law and language, is to inculcate in the minds of these young recruits the ideals and the corporate spirit of the Civil Service of Pakistan. The son of a Bengali village schoolmaster or a sub-inspector of police may rub shoulders with the son of a wealthy landowner from West Pakistan.

A civil servant, when selected after his probationary period, starts his career at the District level as an Assistant Commissioner in West Pakistan, or Sub-Divisional Officer in East Pakistan, and can climb up through various stages to the highest office, Head of the Provincial Secretariat (Chief Secretary) or Secretary in charge of a Central Ministry. When serving as a District Officer or a Divisional Commissioner or as a Secretary of a Provincial Department his status is that of a permanent Central civil servant who cannot be removed from office by any Provincial authority. The Constitution guaranteed his immunity from removal from service "by an authority subordinate to that by which he was appointed."[22] But this position has changed after the emergence of the Martial Law administration in October, 1958. Under the new regime a number of Screening

Committees were set up to assess the integrity and efficiency of all the civil servants in both the Centre and the Provinces. The startling results of these investigations were that as many as 1,662 civil servants were dismissed or compulsorily retired for misconduct, corruption or inefficiency. These included thirteen officers who previously belonged to the Civil Service of Pakistan, three to the Foreign Service, and fifteen to the Police Service.

In the former Indian Civil Service, civil servants were allotted to the various Provincial cadres. They were brought to the Centre for short periods but they remained on the Provincial cadres to which they were originally assigned. This gave the civil servants an opportunity to steep themselves in the experience, language and traditions of the Province to which they belonged. Throughout their lives, they remained Madras I.C.S. officers or the Punjab or the U.P. I.C.S. officers. The Civil Service of Pakistan, as indicated in earlier chapters, was centralized. In other words, it was essentially a Central Service and officers were moved around from the Province to the Centre or in some cases from Province to Province with the result that they could not get to know any one Province thoroughly. This was probably a deliberate intention of the Government. They wanted that no civil servant should acquire a strong Provincial outlook but should remain essentially a Central civil servant able and willing to serve anywhere he was placed. The unfortunate result of this was that the civil servants gave the impression, because of quick transfers and because of their loyalties to the Central Government, that they were not interested in the welfare of the Province where they were working. Since the Civil Service was dominated by Urdu-speaking civil servants, Bengalis felt that the civil servants did not serve the true interests of Bengal and acted as agents of the Central Government. The Martial Law administration changed this policy. They wanted that the civil servant should get to know well the Province to which he was sent. They ruled out the practice of quick transfers, a characteristic of the former regimes when politicians were always trying to have

safe men placed in their constituencies or Provinces.

In East Bengal the following posts have been earmarked for the C.S.P. officers:[23]

| | |
|---|---|
| Chief Secretary ... ... ... | 1 |
| Member, Board of Revenue ... ... | 1 |
| Commissioners ... ... ... | 3 |
| Secretaries ... ... ... | 8 |
| Joint Secretaries ... ... ... | 3 |
| Deputy Secretaries ... ... ... | 5 |
| Provincial Transport Commissioner ... | 1 |
| District Magistrates ... ... ... | 17 |
| Additional District Magistrates ... ... | 10 |
| District Judges ... ... ... | 15 |
| Additional District Judges ... ... | 8 |
| Director of Land Records and Survey ... | 1 |
| Settlement Officer ... ... ... | 1 |
| Private Secretary to Governor ... ... | 1 |
| Secretary to Chief Minister ... ... | 1 |
| Commissioner of Excise and Taxation ... | 1 |
| Registrar of Co-operative Societies ... ... | 1 |
| Registrar, High Court ... ... | 1 |
| Judges, High Court ... ... ... | 2 |
| | 81 |
| Posts to be filled by promotion of Provincial Civil Service Officers at 25 per cent. ... | 20 |
| | 61 |

One can see that all the strategic positions in the Provincial administration are in the hands of Central civil servants. The Civil Service of Pakistan, like its predecessor, the Indian Civil Service, possesses a strong corporate spirit; the sense of pride of belonging to this body and maintaining traditions of efficiency and honesty is always there. Most of the civil servants working in different Provinces know how the minds of civil servants working in Karachi function. It is quite likely that the Chief Secretary or Secretary in a Province knows what the Secretary of the Interior in Karachi feels about a particular problem

because he may have had an opportunity to work under him in the past. Professor Wheare has given the name of "quasi-federal" constitutions or governments to those constitutions or governments in which the federal principle, though not predominant, is nevertheless important.[24] One wonders what sort of name should be given to the Government of Pakistan where the federal principle is almost completely set at nought by the centralizing role that the Civil Service of Pakistan plays.

"India," said Lord Curzon, "may be governed from Simla or Calcutta; but it is administered from the plains."[25] The District was the hub of administration throughout the British period in the sub-continent and continues to be so today in India and Pakistan. Each Province is divided into Divisions which are under Commissioners. Each Division is sub-divided into Districts which are under Deputy Commissioners in West Pakistan and District Magistrates in East Pakistan. There are ten Divisions and fifty Districts in West Pakistan, and three Divisions and seventeen Districts in East Pakistan.

The District Officer is the local visible representative of the Government. There is hardly anything that is outside his control or supervision in the District. He is in charge of law and order and controls the police officers. As Magistrate, he tries criminal cases. As Collector, he is in charge of the collection of land revenue. He exercises general supervision over officers of the various departments like those of Public Health, Agriculture, Irrigation, and Education serving in his District and co-ordinates their activities. He also submits annual confidential reports of all gazetted Officers posted within his District. "These reports will bear on the following three points: (1) co-operation with other departments; (2) relations with the public; (3) integrity."[26] He is the local ruler whose duties include attending to distress caused by floods, famines, or even clouds of locusts, waging an anti-flu or grow-more-food campaign, preparation of electoral rolls, control of prices, etc. The affection or awe with which the rural people regard their District Officer is reflected in the picturesque titles

which are showered upon him in the petitions that people bring to him: "Incarnation of Justice," "Cherisher of the Poor," "*Ma Bap* (Mother and Father) of the People." He is not a sedentary officer tied to his desk, relying on reports and representations submitted to him in his office. His British predecessors used to combine pigsticking or polo with a great deal of field inspection work. In an Islamic country pigsticking is not possible, but stress on village touring remains. Thus the *Report of the Council for Administration of West Pakistan* lays down that: "Every officer should spend at least ten nights in a month away from his headquarters and submit a tour note to his immediate superior officer."[27]

The civil servants of Pakistan were frequently criticized in the press and in the Parliament for being arrogant and aloof from the common people. One member in the West Pakistan Legislative Assembly accused the officials of behaving like "brown Englishmen" and treating the ordinary man in the street with contempt.[28] They have been further charged with having a colonial mentality which prizes law and order above everything else in the problems of administration. Another standing grievance against District Officers has been that they function both as executive officers as well as magistrates and that such a combination of functions in the same person defeats the ends of justice.

There is considerable exaggeration in these criticisms. It is true that the young civil servant's judgment is likely to be pre-occupied with the overriding problems of law and order that he confronts from the very beginning of his career, but this concern results from the actual situation prevalent in the Districts. Riots in which many people are killed are by no means rare in Pakistan, and some of them take a religious turn led by politically minded *Mullahs*. Unfortunately, not all professional politicians or even Ministers emerged untarnished out of such episodes. On one such tragic occurrence, the Munir Report's scathing comment was: "And in the God-gifted State of Pakistan there are careers for everybody—political brigands,

adventurers, non-entities."[29]

Similarly, in theory the combination of executive and judicial functions in the same person can be condemned as a relic of the colonial age, but the fact that there are practical advantages of such a combination in terms of both efficient administration and sound justice cannot be easily denied. The judicial functions of a District Officer teach him from the start to weigh evidence, to see that every question has two sides, and these lessons may enable him to act impartially and judicially in later years. The District Officer also acquires an intimate knowledge of the people of his District during the course of his work which a judge or purely judicial magistrate is not likely to possess and thus may not be able to discriminate between trumped up and true evidence. There can always be an appeal from the District Magistrate's (District Officer's) Court to Superior Courts where Sessions Judges preside.

This demand for separation between the judiciary and the executive came mostly from lawyer-politicians. In East Pakistan, where lawyers were more powerful, an Act called the Code of Criminal Procedure (East Pakistan) Amendment Act, 1957, was passed whereby District Magistrates and Sub-Divisional Officers would deal only with the preventive sections of the amended provisions of the Criminal Procedure Code.[30] The Judicial Magistrates would try all criminal cases and would be directly responsible to the Sessions Judge. In West Pakistan, where lawyers were not as powerful as landlords, the demand for separation was not met with the same degree of success. In Punjab a scheme for partial separation was launched in 1954, each District being assigned an additional District Magistrate to handle judicial functions.

Another serious charge against the District Officers of Pakistan is that they have neglected economic development problems in their Districts or Divisions. In making such charges, however, newspaper editors forget that the normal role of a civil servant is to advise his Minister in the formulation of a policy and that he is not expected to initiate a new policy (for which the direction has to come

from the Minister or the Cabinet). It is true that civil servants because of their numerous activities are often better described as good long distance runners than as sprinters. But once a policy is laid down they try to implement it, if not always as promptly as public opinion might wish. Thus, under the impact of the First Five Year Plan, development committees and boards were constituted both at the District and Divisional level. In the District Development Committee the Deputy Commissioner acted as Chairman and the other members were Heads of such Departments as Public Health, Agriculture, Food, etc., members of the Provisional Assembly of the District, the Chairman and the Vice-Chairman of the District Board, the President of the District Headquarters Municipal Committee, and representatives of *Tehsils* (sub-districts) and *Panchayats* (village councils).[31] The District Development Committee formulated and recommended development schemes of local importance to the Divisional Development Board. The Deputy Commissioner's role was that of bringing together the manpower and resources offered by the local public representatives, the technical knowledge and personnel of the various District Departments, and his own administrative experience in the formulation and implementation of development projects. As agent of the Government, he tried to prune the ambitious projects put forward by his District Departments or local representatives, and as the Chairman of the District Development Committee, he tried to persuade the Government to support the schemes formulated by his Committee. For the first time an attempt was thus made to undertake social welfare projects with the co-operation and support of local representatives. At least in this concrete case the civil servants could claim that they were not acting like their alien predecessors who claimed to know what was good for the people and did not care to consult them regarding their wishes. This welfare administration has been continued and has acquired a new sense of urgency and importance under the new system of Basic Democracies.

Above the Divisional Commissioners and District Officers

stand the Provincial and Central Secretariats. The Secretariats are divided into various Ministries and under them are Attached Departments. The permanent head of each Ministry is either a Secretary or a Joint Secretary who is the chief adviser of his Minister on policy matters and is also in charge of administering and co-ordinating the various Divisions and Attached Departments of his Ministry. The Ministry is sub-divided into various Divisions placed under the charge of Joint or Deputy or Under Secretaries. Below the various Divisions of a Ministry stand the Attached Departments. Thus, the Central Ministry of Food and Agriculture has two Divisions (Food Division and Agriculture Division); below the Food Division is the Attached Department of the Office of Controller of Sugar, Gur, Vegetable Oil Products for Pakistan; under the Agriculture Division are the Attached Departments of Co-operation and Marketing Department and Department of Plant Protection.[32] Attached Departments are under the charge of their respective technical officers in contrast to the Divisions of the Ministry or the Ministry itself which are administered by the C.S.P. Officers.

## II. An Appraisal

It has always been stressed in Government public administration reports that the formulation of policy is a primary function of a Ministry and that the responsibility of the Attached Departments is to implement that policy.

Sir Richard Tottenham in his *Report on the Reorganization of Central Government of India in 1945-46* stated that: "The duties of the Secretariat correspond broadly to those of the Staff of the Army Organization and that, just as the Staff Officer does not himself conduct operations in the field, so the Secretary should not ordinarily be charged with executive duties."[33] The *Report of the Council for Administration of West Pakistan* also recommends separation of Secretariat functions from the executive work and goes on to argue "that no Head of Department should be made Secretary to the Government, and that everything possible should be done to increase the powers

of the Heads of Departments to enable them to implement Government policies and decisions efficiently, effectively and expeditiously."[34]

This amounts to saying that the C.S.P. Secretaries, the majority of whom have had a liberal arts education, are being called upon to help their Ministers formulate the policy of the Government on technical matters ranging from foreign exchange to the feasibility of building a steel mill or introducing American mechanized wheat farming. It may be claimed that the C.S.P. Secretaries with their long administrative experience in which they have tackled a wide assortment of jobs possess sufficient flexibility and agility of mind to familiarize themselves with the broad technicalities of a job and master its essentials. Such claims were valid in the nineteenth century when specialization in technical administration had not gone very far, but are probably less so today.

Another complaint of public administration experts has been that even those few C.S.P. Officers who successfully acquaint themselves with the substance of the programme they are administering are often transferred to other Departments which have no occasion to utilize their specialized knowledge. A Secretary of the Ministry of Industries who may be conducting the industrial programme with almost missionary zeal may be shunted off to the Ministry of Refugees and Rehabilitation by his new Minister. Frequent changes of the Government at the Centre increased this danger.

The Civil Service of Pakistan has also been criticized for the cumbrous and involved procedure it follows. It was more than fifty years ago that Lord Curzon wrote: "Round and round like the diurnal revolutions of the earth went the file, stately, solemn, sure and slow; and now, in due season, it has completed its orbit and I am invited to register the concluding stage."[35] He was obviously referring to the then universal disease of writing long and ponderous notes (minutes), a habit still prevalent in Pakistan. Heads of Attached Departments who are technical experts in their fields often submit their proposals to an Under Secretary

or a Deputy Secretary in the Ministry concerned, but before the file arrives in the hands of the office of the Deputy Secretary the process of "noting" has probably started with subordinates of the Under Secretary. An American public administration specialist has commented: "Each person feels compelled to add a 'note' usually of greater length than that of his subordinate (or superior). The result is voluminous files in which the point of issue is deeply imbedded in sheafs of irrelevant materials that defy quick understanding on the part of busy administrators."[36]

This "imposition of 'administrative' judgment over technical proposals" not only "results in the substitution of an unqualified technical judgment for an informed one,"[37] but also leads to frustration on the part of technical officers. It is not enough merely to make working conditions attractive for technical officers by increasing their pay and powers. All possible opportunity should be given to a technical officer who has a flair for administrative work to rise to the position of a Secretary in his Ministry. Secondly, technical officers who are Heads of Departments should have direct access to the administrative Head of the Ministry and not be forced to follow the cumbrous procedure of sending their proposals through a chain of command which starts below the rank of an Under Secretary. Thirdly, it would be useful to expose the Secretariat to new ideas and fresh air by occasionally inviting successful business executives to serve as Secretaries in some of the Ministries of the Government.

In a country plagued with political instability and extreme demands for Provincial autonomy, the Civil Service of Pakistan has played both a stabilizing and unifying role. A former Director of the Civil Service Academy of Pakistan has pointed out: "I often wonder which was more true: that the idea of an All-Pakistan service such as the C.S.P. helps to unite Pakistan, or the idea of Pakistan helps to unite the Service."[38] On the other hand, politicians, particularly those from East Pakistan, clamoured for Provincial autonomy to a point of almost demanding secession.

Ataur Rahman Khan, a former Chief Minister of East Pakistan, once observed in the Constituent Assembly: "As a matter of fact I may tell you, it may be a great weakness with me that I feel a peculiar sensation when I come from Dacca to Karachi. I feel physically, apart from mental feeling, that I am living here in a foreign country. I did not feel as much when I went to Zurich, to Geneva or Switzerland, or London as much as I feel here in my own country that I am in a foreign land."[39] The danger of carrying the centralizing role so far that separatist tendencies may increase instead of diminishing should not be overlooked.

Iskander Mirza's concept of "controlled democracy" was similar in some ways to the British concept of progressive realization of responsible government. According to Mirza, it was he and the civil servants who would determine the tempo of transfer of effective power to politicians. M. A. Gurmani, who belonged to what Suhrawardy called "the ruling coterie" (before his removal from office as Governor of West Pakistan in August 1957), once pointed out: "In Pakistan, however, the administrators have taken upon themselves the task of making and unmaking Ministries. The result is that at present the country is being ruled by a coterie of foolish politicians and 'the king-maker' administrators."[40]

Pakistan's problems are such that both bold leadership and imagination are needed. The country is split into two halves separated from one another by alien territory. Food production in West Pakistan, which was the granary of the entire sub-continent in pre-Partition times, depends in large part upon the co-operation of the Indian Government in whose territory the headwaters of some of West Pakistan's rivers lie. Speedy industrialisation may mean that Pakistan will be left with fewer resources for improving its agriculture. Can these problems be solved by bureaucrats who live with their files? If the politicians are hot-headed, one may say that the civil servants often suffer from cold feet and can never be in as close contact with the people and their problems as their representatives are.

It may be said that the basic characteristic of the Martial

Law regime is that it is a partnership between the Army and the Civil Service. Both of them are institutions with long traditions and experience. Both of them follow certain rules of procedure and dislike the haphazard and irregular methods of administration of the politicians. But the Army has felt that the Civil Service has by no means acquitted itself admirably under the previous regime. Some of the civil servants have been found not only to be corrupt but also inefficient. And nearly all of them are addicted to procedures which are extremely cumbersome and time-consuming. Thus, in a sense the Army is putting the Civil Service on its mettle. Civil servants are being told that under the new regime the Civil Service will be given full freedom to administer their Departments in an efficient manner and also play their role in economic development.

It is true that politics has disappeared from Pakistan. But the new regime feels a bit isolated from the people. It would like to know how the people are reacting to the new changes that have been introduced. It has found the answer in the institution of Basic Democracies. Here the nominated members and the civil servants are to sit in concert with the elected members in the *Tehsil*, District and Divisional Councils. But again the success of the new institution depends upon the kind of constructive role that the civil servants are likely to play. If they are to dominate these institutions in the same way as their predecessors dominated the former local self-government institutions, Basic Democracies will atrophy into ineffectual bodies. Thus, the conclusion that one is driven to is that it is not so much the training and the experience of the civil servant that is of ultimate consequence as his outlook and approach towards the people. If he acts like an arrogant and autocratic successor of his imperial predecessors, then he will be content to see his people in a state of passivity and blissful ignorance. If he wants them to become self-reliant, educated and progressive, then he should function as a servant of his people whose aim is not mere maintenance of law and order and collection of land revenue, but progressive development of both the

people and the area he serves. At long last the Government is laying more and more stress on welfare administration than problems like law and order and revenue collection. If the schemes envisaged under the Village Aid plan and institutions like Basic Democracy come to their full frui- tion, it is quite likely that the District Officer, a relic of colonial administration, may just fade away.

FOOTNOTES

1. The phrase "steel frame" was used by Lloyd George in a speech in the House of Commons in August, 1922.
2. See Chapters VIII and IX.
3. Ibid.
4. Azim Husain, *Sir Fazl-i-Husain* (Bombay: Longmans, 1948), pp. 166-167.
5. L.S.S. O'Malley, *The Indian Civil Service*, 1601-1930 (London: 1931), p. 60.
6. *Constituent Assembly (Legislature) of Pakistan Debates*, Vol. I, No. 26, July 17, 1954, p. 1474.
7. *Dawn* (Karachi), March 2, 1951.
8. *Constituent Assembly of Pakistan Debates*, Vol. I, No. 68, February 9, 1956, p. 2778.
9. *The Times* (London), October 30, 1954.
10. *Dawn* (Karachi), March 16, 1957.
11. *Ibid.*, October 24, 1954.
12. *Ibid.*, December 12, 1954.
13. *The Times* (London), April 26, 1956.
14. *The Observer* (London), September 4, 1955.
15. *Dawn* (Karachi), May 24, 1956.
16. *Ibid.*, October 31, 1957.
17. *Constituent Assembly of Pakistan Debates*, Vol. I, No. 21, September 10, 1955, p. 652.
18. *The Indian Year Book and Who's Who*, 1947 (Bombay and Calcutta: Bennett Coleman & Co., 1947). Mr. Gurmani stated that Pakistan inherited one Muslim Officer of the rank of Secretary. (*Constituent Assembly (Legislature) Debates*, Vol. II, October 1, 1953, p. 733), but the author has found no evidence in support of this.
19. *The Gazette of Pakistan*, The Civil Service of Pakistan (Composition and Cadre) Rules, 1954. June 18, 1954, p. 166.
20. *The Constitution of the Islamic Republic of Pakistan*. Article 31(2).
21. *The Asian Recorder* (New Delhi), February 10, 1956, p. 665.
22. *The Constitution of the Islamic Republic of Pakistan*. Article 181(1).
23. *The Gazette of Pakistan*. The Civil Service of Pakistan (Composi-

tion and Cadre) Rules, 1954. June 18, 1954, pp. 164-165.

24. K. C. Wheare, *Federal Government* (London: Oxford, 1953), p. 33.
25. Lovat Fraser, *India Under Curzon and After* (London: 1911), p. 260.
26. *Report of the Council for Administration of West Pakistan*, February, 1955, p. 15.
27. *Ibid.*, p. 9.
28. *The Pakistan Times* (Lahore), March 14, 1957.
29. *Report of the Court of Inquiry Constituted Under Punjab Act II of 1954 to Enquire into the Punjab Disturbances of 1953* (Lahore: 1954), p. 286.
30. *The Pakistan Times* (Lahore), March 16, 1957.
31. *Ibid.*, May 31, 1957.
32. *Administrative Directory of the Government of Pakistan* (Karachi: Cabinet Secretariat, 1951).
33. Cited in the *Report of the Council for Administration of West Pakistan*, February, 1955, p. 7.
34. *Ibid.*, pp. 6 & 7.
35. Lord Ronaldshay, *The Life of Lord Curzon*, Vol. II (London: Ernest Benn, 1928), p. 321.
36. Bernard L. Gladieux, *Reorientation of Pakistan Government for National Development* (Karachi: May, 1955), p. 69. Most of the recommendations in the report by this American consultant have been adopted by the compilers of Pakistan's first Five-Year Plan (1955-60).
37. *Ibid.*, p. 69.
38. Geoffrey Burgess, "The Pakistan Civil Service," *The Listener*, September 19, 1957, p. 420.
39. *Constituent Assembly (Legislature) of Pakistan Debates*, Vol. I, No. 4, March 19, 1956, p. 216.
40. *The Pakistan Times* (Lahore), October 20, 1957.

# XV

## THE DYNAMICS OF PAKISTAN'S POLITICS

"A new country", wrote Walter Bagehot, "if it is to be capable of a cabinet government, if it is not to degrade itself to presidential government, must create a cabinet out of its native resources—must not rely on these old world debris."[2] The Cabinet system of government has worked admirably in homogeneous societies. In such societies the art of government has been carried on very much like a game of cricket. The teams that play this game agree to conduct themselves according to certain well-established rules of the game. Pakistan did not start as a homogeneous country. It was true that Jinnah rallied the Punjabis, the Pathans, the Sindhis, and the Bengalis around the banner of Pakistan. When these groups were struggling for the achievement of Pakistan, the major factor which brought them together was the hope of establishing a new State in which they would not be dominated by the Hindus. But this did not mean that the fact of belonging to one State would obliterate the physical and cultural differences that divided the Punjabis from the Bengalis or the fears that the Pathans and the Sindhis harboured against the Punjabi domination.

Jinnah could keep them together, not because he was their Governor-General. As Governor-General, he had been divested of all the discretionary powers that the British Viceroys had enjoyed. His sole authority lay in the fact that he was their Quaid-i-Azam. Under Liaquat Ali Khan,

one could detect now and again the simmerings of the Bengali-Punjabi conflict. Again it was not the constitutionally and popularly accepted authority of a Prime Minister that Liaquat wielded in keeping this conflict under control. He had been the right-hand man of the Quaid-i-Azam and there was no one in Pakistan of equal prestige to challenge his authority.

After Liaquat Ali Khan, the conflict came out in the open and was polarized around the personalities of the President and the Prime Minister. If the Governor-General were a Punjabi, the Prime Minister would be a Bengali. Pakistan was not following the familiar parliamentary pattern. Its Governor-General was not merely the dignified head, leaving the efficient part of the government in the hands of his Prime Minister. The two groups whom these two offices represented looked up to them for safeguarding or strengthening their interests. After the dissolution of the Constituent Assembly in 1954, the Punjabis had emerged as the dominant group. In dismissing the Bengali, Nazimuddin, in April, 1953, and dissolving the Bengali-dominated Constituent Assembly in October, 1954, the Punjabi Governor-General, Ghulam Mohammed, acted merely as a representative of his group.

After the emergence of Iskander Mirza as Governor-General in August, 1955, the conflict between the various groups in Pakistan became even more complicated. It was no longer a fight between a Punjabi Governor-General and a Bengali Prime Minister or *vice versa*. The fight was between a number of groups, Punjabis versus Sindhis, Punjabis versus Pathans, Punjabis versus Bengalis, West Pakistan versus East Pakistan. The role of the President (after March, 1956, the Governor-General became the President) was to compose or accentuate (depending upon his immediate interests) these differences and pick out a Prime Minister least unacceptable to these warring elements. The Army was in the background. But it soon decided not to remain as a mere bystander. It packed off the Parliament and the two Provincial Assemblies and on October 27, 1958 General Ayub Khan became the President

of Pakistan.

1. *Governor-General, Mohammad Ali Jinnah, and Prime Minister, Liaquat Ali Khan (August, 1947-September, 1948)*

It is not correct to fit Jinnah's position into a constitutional pattern existing in the older Dominions of the Commonwealth. To the people of Pakistan, Jinnah was Pakistan. It was true that the King's Commission said that he derived his powers from the Indian Independence Act, 1947, which had taken away from the Governor-General all discretionary powers. A Governor-General henceforth was to exercise his powers on advice. But the Assembly would have quite willingly given back all these powers to the Quaid-i-Azam if he had so desired. It was up to Jinnah to ask Liaquat Ali Khan for advice; it was not Liaquat Ali Khan's right to offer advice.[3] Jinnah appointed three former British civil servants as Governors. When Liaquat Ali Khan was questioned in the Federal Legislature as regards the propriety of such appointments, his reply was: "Under the present Constitution the man who has been vested with all powers is the Governor-General. He can do whatever he likes."[4] From the evidence that the writer has gathered from Jinnah's Cabinet Ministers, it is clear that Jinnah presided over many important Cabinet meetings. In the early stages he presided over all the daily meetings of the Kashmir Sub-Committee of the Cabinet. Foreign Affairs, Kashmir, and all disputes with India were regarded as Jinnah's exclusive preserves over which the Cabinet refrained from offering advice.[5] Jinnah could also allot to himself a Ministry like that of States and Frontier Regions. A Cabinet resolution also stated that if the Quaid-i-Azam disagreed with any decision of the Cabinet, he could veto it.[6] When some of the Ministers and Secretaries who attended Cabinet meetings presided over by Jinnah were asked to recapture for the author the atmosphere that prevailed in such meetings, they said it was very much like that of a family meeting presided over by an awe-inspiring father. Similarly, the Cabinet authorized the Governor-General to send for any Secretary

he liked for obtaining information. The picture that emerges is very much like that of the Viceroy's Executive Council which existed prior to Partition in India. Before Partition, the Viceroy held the Political Department as his own portfolio and before the formation of the Interim Government in 1946 he saw every Secretary once a fortnight or so. However, the position of Jinnah was not similar to that of a British Viceroy in India for the latter was answerable to the British Parliament through the Secretary of State for India, whereas Jinnah suffered from no such control.

During Jinnah's time Pakistan's politics was singularly free of Provincial rivalries, particularly in the composition of the Central Cabinet. Men like Ghulam Mohammed and Sir Muhammad Zafrulla were included in the Cabinet not because they came from the Punjab, but because the Quaid-i-Azam was impressed by their professional competence in their respective fields.

Whatever the Quaid-i-Azam said was accepted. In August, 1947, he struck a singularly secular note as the founder of a Muslim state. In course of time, he declared, "Hindus will cease to be Hindus and Muslims will cease to be Muslims... in the political sense as citizens of the state."[7] Later on he suggested that the bedrock on which the constitutional fabric of Pakistan would be reared would be the *Shariat*. In February, 1948, he declared in a meeting of the Pakistan Muslim League Council that he would cease to be the President of the Muslim League because as Governor-General he had to hold the balance evenly and fairly among all the political parties. But a month later in East Bengal, when he found that the opposition to the Muslim League was mounting, he set aside these self-imposed principles of impartiality and exhorted the Muslims of East Bengal to join the Muslim League to serve Pakistan.[8]

There was nothing that lay beyond the purview of the formidable Quaid-i-Azam. The Cabinet was not likely to take any decision contrary to his wishes. The Constituent Assembly or the Federal Legislature could not pass any legislation distasteful to him for he was President of both the bodies. No Provincial Ministry could dare defy the

directions of the Governor-General. Jinnah exercised these enormous powers with popular consent. No British Viceroy of India had been as powerful and no future Governor-General or President of Pakistan was likely to be held in such veneration.

2. *Governor-General, Khwaja Nazimuddin, and Prime Minister, Liaquat Ali Khan (September,* 1948-*October,* 1951)

Liaquat Ali Khan had been described by Jinnah as his right-hand man. Pakistan did receive a rude shock when Jinnah died, but the people reassured themselves that here was a man who had been so close to their Quaid-i-Azam for more than a decade that he might be able to lead them forward along the lines chalked out by Jinnah. Some enquiries were made as to whether the great Jinnah had left any policy testament behind him. The new Governor-General, Khwaja Nazimuddin, declared that there was no one to take the Quaid-i-Azam's place, but also that there was no one better qualified in Pakistan "than our Prime Minister to lead our country along the path marked by our Quaid-i-Azam." Under Liaquat, it could be said that Pakistan conformed more closely to the Commonwealth pattern in the sense that now the location of power rested in the office of the Prime Minister. What one missed in Pakistan was the presence of an effective opposition.

The Governor-General himself was appointed by the King on the recommendation of the Prime Minister. The Ministry of States and Frontier Regions, which the previous Governor-General had held, was transferred immediately after his death to the Prime Minister. Appointment of Provincial Governors was also to be made on the advice of the Prime Minister. The press communique which announced the appointment of Din Mohammad as Governor of Sind contained the significant phrase that the appointment was being made on the advice of the Prime Minister.[10]

The best indication that genuine Cabinet government had emerged under Liaquat Ali Khan was to be found in the new Rules of Business. The Rules of Business clearly stated

that the Governor-General, in consultation with the Prime Minister, could allocate the work of the Federal Government among Ministers.[11] Jinnah, as Governor-General, could allocate a portfolio to himself.

Similarly, as has been pointed out that Jinnah regarded Foreign Affairs, Kashmir, and disputes with India as his exclusive domain. All references pertaining to these subjects could be made directly to him and the Cabinet was informed of the orders that the Quaid-i-Azam had passed. Now all such cases, "except those relating to mercy petitions against sentences of death not passed by Courts Martial and petitions for exercising the prerogative of pardon, were to be submitted to the Governor-General through the Prime Minister."[12]

Though Liaquat followed in the blinding brilliance of Jinnah, yet by his shrewdness and sense of moderation, he emerged as an umpire between the various Provincial interests that existed in Pakistan. His advantage also lay in the fact that he himself was neither a Punjabi nor a Bengali. Above all, as Jinnah's successor and also by his own attainments, he had established a position in the country which could not be challenged either by a Central Cabinet Minister or any Provincial Chief Minister. Neither Zafrulla nor Ghulam Mohammed enjoyed popular, mass support in West Punjab. Neither Shahabuddin nor Fazlur Rahman had a popular following in Bengal. Similarly, no Provincial Chief Minister could class himself as Liaquat's rival in popular estimation. Qaiyum ruled a small province, Mamdot had been removed, and Daultana owed his election victory more to Liaquat's and League's popularity than to his own personal efforts. Nurul Amin owed his position as Chief Minister to the directions that Liaquat had given through his Governor-General to the Provincial Governor to make Nurul Amin the Chief Minister after Nazimuddin resigned his post to become Governor-General. Presumably, Section 51(5) was used.[13] The only man who might have challenged Liaquat's position was Suhrawardy. But he was still in the wilderness trying to build the Awami Muslim League.

The question that may be asked is, why was it that

Liaquat did not use his unique position as an umpire to compose Provincial differences, particularly those that existed between the Punjab and Bengal and thus evolve a constitution acceptable to the whole country? His attempts in this direction, he would have asserted, had been frustrated by the solid phalanx of opposition that Bengalis put up against the Interim Report of the Basic Principles Committee. Bengali bitterness, both against the Punjabi domination and the Centre's reluctance to accord adequate autonomy to the Provincial Government, started in Liaquat's time itself. The Punjabi and (Urdu-speaking) United Provinces and Bihar officials who dominated the Provincial administration maintained the British traditions of Civil Service aloofness and impartiality. They belonged to a superior class. They did not care to speak the Bengali language. They sneered at Bengali culture as something more in tune with Hinduism than Islam. The Bengalis felt that because of Civil Service rules of recruitment they could not hope to outnumber the Punjabi and other Urdu-speaking elements in the Civil Service in the near future. The only course open to them was that they should try to have the injustices inflicted on Bengal rectified through their representatives both in the Provincial and in the Central Governments. Again they saw the hidden hand of the Punjabi domination in the Interim Report of the Basic Principles Committee.

In the Interim Report, the Lower House was to be elected on the basis of population and in the Upper House the existing Provinces, including Baluchistan, were given equal representation. The two Houses were given equal powers in all matters including the Budget and Money Bills. In cases of dispute, decisions were to be taken by joint sessions of both the Houses. This meant that even though East Bengal representation would be higher in the Lower House, yet in the Upper West Pakistan representation would be four times that of East Bengal. No mention was made of the state language, but the Bengalis feared that Urdu alone might enjoy that status. Opposition also came from *Maulanas* in East Bengal. Liaquat withdrew the Report suggesting that consideration of the Report should be post-

poned and invited the people at large to send concrete and definite proposals to the Committee.

This aroused the suspicions of Liaquat's Punjabi colleagues. How was it that Bengali leaders like Khwaja Shahabuddin, Fazlur Rahman, Dr. Malik and Maulana Akram Khan, who were members of the Basic Principles Committee, had accepted the Report and foreseen no opposition to it? Either they did not represent the public opinion of Bengal on this matter or they were playing a double game of being a party to the Report and at the same time encouraging Bengali leaders to oppose the Report. Could not Liaquat Ali Khan himself have used his influence and prestige to have the Report accepted in Bengal?

It was well known that Ghulam Mohammed was the spokesman of the Punjabi group in the Central Cabinet, and Fazlur Rahman was his counterpart from Bengal. Ghulam Mohammed enjoyed the reputation of being a financial wizard, but in the devaluation controversy that took place in the Cabinet it was the Bengali Commerce Minister who triumphed over the Punjabi Finance Minister. To make matters worse, the controversy was publicized by *Dawn*, which, ignoring the fact that the Korean War helped Pakistan to profit from its non-devaluation decision, suggested that the whole credit should go to Fazlur Rahman. The alignments were sharp and clear. Liaquat, as an umpire, decided the controversy in favour of Fazlur Rahman.[14]

Similarly, Liaquat allowed Nurul Amin, the Chief Minister of East Bengal, to attack Ghulam Mohammed in the General Budget Discussion in the Federal Legislature for his unsympathetic attitude towards the financial difficulties of East Bengal. Again, how could Liaquat allow the Chief Minister of Bengal to attack his Finance Minister while he played the role of umpire? Could not these unpleasant matters be aired and resolved in the Muslim League Parliamentary Party meeting?

Was Liaquat being shrewd and far-sighted? Did he feel that he could manage the Provinces in West Pakistan, whereas the problems of East Bengal because of its larger population, accompanied by economic backwardness and

physical separation from Karachi, would confront the Central Government with a much more difficult problem? This probably explains why he lent a more sympathetic ear to the grumblings of East Bengal. There was also perhaps the added satisfaction that he was playing the role of an arbitrator.

It has been suggested elsewhere that Liaquat was trying to unify the voting power of West Pakistan.[15] This does not seem to have been Liaquat's strategy. He felt confident about West Pakistan and was trying to keep East Pakistan as contented as possible. He became President of the Muslim League and his over-all strategy was to hold elections in West Punjab, the N-W.F.P. and Sind and then Bengal and have those Muslim Leaguers elected in these Provinces who would be personally attached and grateful to him. After this, Central elections were to be held in which again his men would be returned because the various pro-Liaquat Provincial Chief Ministers plus Liaquat's own influence would be there to bring this about. Thus Liaquat proposed but the matter was disposed of by the assassin's bullet.

3. *Governor-General, Ghulam Mohammed, and Prime Minister, Khwaja Nazimuddin* (*October*, 1951-*April*, 1953)

Muslim Leaguers believed that the legitimate heir of Liaquat Ali Khan was Sardar Abdur Rab Nishtar. The Secretary-General also concurred with this view, pointing out that Liaquat Ali Khan himself was thinking towards the end of his life of making Sardar Abdur Rab Nishtar the Deputy Prime Minister. It seems that Nishtar's nomination was vehemently opposed by Sardar Bahadur Khan. Strangely enough, the choice of the Cabinet fell on Khwaja Nazimuddin, the Governor-General. Ghulam Mohammed, who had been ailing and who would have been sent to the U.S. as ambassador if Liaquat Ali Khan had remained alive, was selected for the post of Govenor-General. Thus, a Punjabi became Governor-General and a Bengali became Prime Minister.

By what sort of calculations were the two principal Pro-

vincial groups moved in making such a choice? Nazimuddin was accepted both by Bengali and the Punjabi groups for probably two opposite considerations. The Bengalis felt that Khwaja Nazimuddin could be influenced by his advisers likè his brother, Shahabuddin, Fazlur Rahman, and Nurul Amin. The Punjabis felt that Nazimuddin, being weak, would be more manageable than Nishtar. The Punjabis reassured themselves that their interests would be safeguarded by a Punjabi Governor-General. The Bengalis felt that Ghulam Mohammed had been ailing for a long time and therefore would not be too much of a problem.

In the Cabinet of Khwaja Nazimuddin there were three Bengalis matched by three Punjabis. But Bengalis could expect support from Nishtar, Mahmud Husain, and I. H. Qureshi. If the Punjabis had Finance, Bengalis had Commerce and Economic Affairs and their supporter, Nishtar, had Industries. If Nazimuddin had Defence, Gurmani had Interior. To these permutations and combinations should be added the role of Ghulam Mohammed, who sat brooding as Governor-General, and who the Punjabis knew would strike in their favour.

There was a similar alignment of forces on an inter-Provincial level in the Muslim League Parliamentry Party. Out of 60 Muslim League members, Bengalis had as many as 33. In addition to this, there was a Dacca-Karachi-Peshawar axis. This meant that the Bengalis could rely on Nurul Amin of Dacca, their Central Cabinet Ministers, and in Peshawar there was Nazimuddin's brother, Shahabuddin, as Governor, and the Chief Minister, Qaiyum Khan, as the leader of the Frontier contingent. Thus, it could be said that if the Punjabis were powerful in Government circles in the sense that they had the Governor-General and a number of civil servants on their side, the Bengalis drew their strength from the Muslim League Parliamentary Party where they were not only in majority, but were also supported by the Frontier group and a few Sindhis. In any constitutional proposals emanating from the Muslim League Parliamentary Party, the Bengali view, being that of a majority, would dominate. If these proposals were not ac-

ceptable to the Punjabi group, they would either have to mobilize mass opposition in West Pakistan or seek the intervention of the Governor-General.

In the Basic Principles Committee itself the Bengalis and their supporters were 17 out of a total of 22.[16] Parity was the principal feature of the Basic Principles Committee Report. The Upper House of the Federal Legislature was to have 60 members from East Bengal and 60 others from West Pakistan distributed among the various units. The Lower House would have 200 members from each of the two wings. East Bengal was one unit, but West Pakistan retained its Provinces and States—West Punjab, Sind, North-West Frontier, Baluchistan, the Tribal Areas, Bahawalpur, Khairpur, the Baluchistan States and Karachi.

The Punjabis opposed these proposals on the main ground that they were designed to establish Bengali domination over the whole country. The argument was that the Bengalis would come as a united group and by dividing the West Pakistan Provinces one against another they would have sufficient majority to rule the country.[17]

Daultana was taking a leaf out of the Bengali book in the sense that just as the Bengalis had sabotaged the Interim Report in spite of being a party to it, he also tried to mobilize opposition to the Basic Principles Committee Report in West Punjab even though he himself had signed it. Daultana now took the stand that he was in favour of a unitary form of government.If there should be a federation, then there should be equality of representation in the Upper House and no Province in a federation should be in a position to dominate over the rest. Daultana was putting forward publicly the point of view that Chaudhri Mohamad Ali and Gurmani had championed in the Central Cabinet meetings.

Where Daultana went wrong was in underestimating the threat to law and order that the anti-Qadiani religious disturbances represented in West Punjab. He thought that since the agitation was directed against Zafrulla, a Central Minister, and that since they raised issues of a constitutional nature *vis-a-vis* the demand for a declaration of Qadianis

as a minority, it was not his concern and certainly not in his interests to become unpopular by suppressing the religious agitation. Nazimuddin, on the other hand, was trying to persuade the *ulama* to be reasonable and also took the view that the primary responsibility for dealing with them firmly lay with the Provincial government. Daultana rang up the Prime Minister saying that Lahore would soon be in flames if the demands of the *Majlis-i-amal* (Committee of Action) were not conceded immediately.[18] The Cabinet was wondering whether they should take firm action or not. Nazimuddin's advisers cautioned him, saying that this might be a trap to topple him down. At this stage the civil servants, led by the Defence Secretary, Iskander Mirza, thought that it was high time that stern action should be taken. The Defence Secretary asserted that the Army could clean up the mess within a few hours. Khwaja Nazimuddin was agreeable, even though the Cabinet did not come out clearly in favour of such strong action.[19]

Martial law in Lahore proved the undoing of Daultana, but it also led to Nazimuddin's dismissal. The Punjabi group felt that if their spokesmen could be removed for failing to maintain law and order in his Province, Khwaja Nazimuddin should also pay the price for his part in it. And there were other grounds for which he could be removed as well. Khwaja Nazimuddin was a weak man, but it was said that he was a tool in the hands of the Bengali group. It was also alleged that his Cabinet had granted import licences generously and squandered the foreign exchange that Pakistan had accumulated in the Korean boom. Ghulam Mohammed would have warmly supported such an allegation. The food situation had also deteriorated steadily under Nazimuddin. The Governor-General's communique, which announced the dismissal of Khwaja Nazimuddin, referred to all these problems which the Cabinet of Nazimuddin failed to tackle.[20]

It was obvious that the only way out for the group which was led by Chaudhri Mohamad Ali and Gurmani was to rely on the Governor-General to remove Nazimuddin as they could not possibly command majority support in Parliament

to move a motion of non-confidence against Nazimuddin. These groups were not prepared to adhere to parliamentary conventions when it did not suit the interests of their group. Parliamentary government had not taken deep roots in the soil of Pakistan. It had been adopted as a legacy from the British and also because it was fashionable to do so in the modern world.

What was even more strange was that the Muslim League Parliamentary Party, led by the Bengali-Frontier alignment, chose to surrender to the arbitrary action of the Governor-General. Even if Nazimuddin were unwilling to fight, what prevented the Muslim League Parliamentary Party from refusing to accept Muhammad Ali Bogra as the new Prime Minister? The Bengali-led Parliamentary group felt that they neither had enough public opinion behind them nor did the country care enough for parliamentary institutions to support them in such a fight against the Governor-General. As it has been suggested earlier, the Parliament did not stand as a corporate group to maintain its dignity and sovereignty. It did not represent a homogeneous country. The Bengalis might regard the dismissal of Nazimuddin as a gross constitutional outrage, but the Punjabis felt that it was a good riddance. And the Hindu group probably did not care what happened because nobody attached any importance to what they felt.

4. *Governor-General, Ghulam Mohammed, and Prime Minister, Muhammad Ali Bogra (April,* 1953-*August,* 1955)

Muhammad Ali Bogra had to walk warily almost on a razor's edge on one side of which stood the Governor-General and his group to whom he owed his job and on the other side the resentful Bengalis. Though the Bengali group had been snubbed by the dismissal of Nazimuddin, yet their majority in the Muslim League Parliamentary Party was still intact. In the new Cabinet they could claim the support of men like Dr. Malik, I. H. Qureshi, Qaiyum Khan and Tafazzal Ali. The Governor-General's supporters in the Cabinet were Chaudhri Mohamad Ali, Gurmani, Zafrulla

Khan and Shuaib Qureshi. Muhammad Ali Bogra had neither prestige nor sufficient seniority to his credit to play the role of an arbitrator between the two groups. Being a supporter of the former Suhrawardy group, he was less attached to the Bengali group which was dominated by the Khwaja family and Fazlur Rahman. All that he could possibly do was to play the role of a go-between.

The constitutional proposals that Muhammad Ali Bogra announced in the Constituent Assembly in October, 1953, tried to meet most of the objections that the Punjabi group had brought against the Basic Principles Committee Report. The Upper House would consist of an equal number of representatives from each of the five units, a concession to the Punjabi point of view. The Lower House would be composed on the basis of population of each of the five units. This satisfied the Bengalis. In a joint sitting each of the two wings would have equal representation. Equal powers were given to both Houses and deadlocks were to be resolved by a joint sitting. In such a joint sitting majority vote must include at least 30 per cent. of the total members belonging to each zone. This meant that Bengalis could not carry a proposal with a mere majority in the joint sitting. They would have to enlist the support of at least 30 per cent. of the members representing the West Pakistan zone. Still the Punjabi group could have the feeling that the Bengalis could come as a united team to steal votes from the western zone in order to produce the requisite majority. The Bengalis could plead that they were not as united as they were being made out to be because nearly a quarter of their population consisted of Hindus. However, the Prime Minister announced that the new proposals had been unanimously accepted by his colleagues, by the Chief Ministers of East Bengal, West Punjab, Sind, the N-W.F.P. and Bahawalpur, and by all members of the Muslim League Parliamentary Party. Did this mean that the entire Punjabi group accepted this formula? The author has found no evidence to the contrary.[21]

Historians will have to decide later whether the Punjabis accepted Muhammad Ali's formula with mental re-

servations from the beginning. But certainly the crushing defeat of the Muslim League in the East Bengal elections in March, 1954, altered the situation. The Bengali members of the Constituent Assembly felt that their debacle was largely due to the fact that the voters felt that they had not properly represented the interests of East Bengal. Muhammad Ali Bogra, who had campaigned extensively in the elections, came to realize the passionate intensity that lay behind Bengal's demand for the recognition of Bengali as one of the state languages. In May, 1954, he accordingly moved an amendment to the Basic Principles Committee Report to the effect that Urdu and Bengali should be recognized as state languages. The Punjabis felt that they could also try to amend the Report, particularly now when the dominant East Bengal members had lost their representative capacity. In September, 1954, Firoz Khan Noon suggested in the Constituent Assembly that the American Presidential system would be more suitable to Pakistan. What was even more disquieting was that he put forward a strong plea for a zonal sub-federation of West Pakistan. The Bengalis at once knew which way the wind was blowing. Khwaja Nazimuddin retorted that: "It was only a small coterie out for power politics who brought this thing at the last minute to delay the framing of the Constitution, and when the demand for One Unit failed, and they found that the Constitution was going to be completed within Inshallah the next seven days, the question of zonal federation was again brought in."[22]

Behind the door pressure for the acceptance of the zonal federation plan was even greater. It was common knowledge that the Governor-General had sent for Hasan Mahmood, the Chief Minister of Bahawalpur, Qaiyum Khan and Pirzada and suggested that the zonal federation plan should be supported otherwise PRODA proceedings would be started against them.[23] But the climax was reached when the Governor-General hinted to the Prime Minister himself that he also could be a victim of PRODA. Qaiyum, Hasan Mahmood and Pizada were campaigning for the repeal of the PRODA and now the Prime Minister himself was

prepared to align himself with such a move.

The scene in the Constituent Assembly itself was quite revealing. Mian Iftikharuddin reported: "So strained became the relation between them that many meetings of the Constituent Assembly had to be postponed, and at times the Bengalis used to sit alone here while the Punjab members whiled away their time in having tea in the room of Chaudhri Mohamad Ali."[24]

As one looks through the chain of events that took place in September, 1954, it is not difficult to see that both the Bengal-Sind-Frontier group and the Prime Minister had worked out a rough strategy between themselves. On September 20, PRODA was repealed. The Prime Minister and his supporters in the Assembly expected that the Governor-General would dismiss the Prime Minister and form a new Cabinet. Therefore, on September 21, the Government of India (Fifth Amendment) Bill was moved by M. H. Gazder to amend Sections 9, 10, 10A, 10B and 17 to ensure that the Governor-General did not use these sections to dismiss a Ministry which enjoyed the confidence of the House.

The Prime Minister was advised by some of his supporters that mere amendment of the Government of India Act, 1935, was not enough and that he should get in touch with the Queen to have the Governor-General's Commission revoked. But "the child in politics" tried to quiet these misgivings by assuring his supporters that the Governor-General was an extremely sick man and had reconciled himself to the existing situation and that he was not contemplating any drastic action.[25] The Prime Minister was in a hurry to leave the country both to negotiate a loan agreement with the United States and also to attend to his family matters. He also thought that while the Prime Minister of Pakistan was negotiating a loan with a foreign country, its Governor-General would not embarrass his position and that of the country by taking any drastic action against the Assembly.

On October 24, 1954 the Governor-General dissolved the Constituent Assembly and the announcement indicated that

he was doing this with the consent of his Prime Minister. The Federal Court, when the matter of dissolution of the Constituent Assembly was referred to it by the Governor-General, declared that the prerogative of the Governor-General to dissolve the Assembly would be in abeyance as long as the Constituent Assembly was performing its function of framing the constitution of Pakistan. But it "must be held to have revived when it became apparent to the Governor-General that the Constituent Assembly was unable or had failed to provide the constitution for the country."[26] It can be argued that the Governor-General had dissolved the Constituent Assembly not because it had failed to produce a constitution but because it had prepared a constitution which was highly distasteful to him and to his group. The Constituent Assembly might have precipitated the crisis by moving the Government of India (Fifth Amendment) Bill, but the amendment itself was nothing new. It was exactly similar to Article 63 of the Draft Constitution which the Constituent Assembly had prepared and which would have been formally adopted as the Constitution of the country on Jinnah's birthday, December 25, 1954, if the Governor-General had not dissolved the Constituent Assembly.[27] The Constituent Assembly had moved the Government of India (Fifth Amendment) Bill in order to protect the Prime Minister from dismissal and itself from dissolution between September, 1954, and December, 1954. Therefore, the Governor-General struck at the Assembly in order to save himself in October, 1954, because after December 25 he would not have been able to do so.

However, it may be pointed out that he would not have been supported in this action by his group if this action merely involved his reinstatement in power. He was being supported because he was acting in their interests as well. By dissolving the Assembly, he preserved himself and also destroyed the distasteful constitution that the Bengalis backed by the Frontier and Sind groups were determined to foist on the country.

Muhammad Ali Bogra had obtained his first appointment in 1953 as Prime Minister as a favour from the Governor-

General. When the appointment was renewed after the dissolution of the Constituent Assembly in October, 1954, he was no longer a Prime Minister but a virtual prisoner of the Governor-General.

The Cabinet was hand-picked but the Governor-General and his group did not have it entirely their way. It was significant that the Cabinet was not dominated by the Punjabi group and that M. A. Gurmani was not in it. Ayub Khan has recently revealed that Ghulam Mohammed had asked him to take over the country, but he declined. He probably thought that he was not yet ready and the fact that the Army should not lose its independent identity in the whirlpool of Pakistan's politics was perhaps another consideration.

The first major objective of the new administration was to get the various Provinces and States of West Pakistan integrated into a united Province. In order that this integration should be completed in the shortest possible time, no ruthless methods were to be spared in removing all impediments to integration. But again the Prime Minister was being led by the nose by the dominant groups in the Cabinet. The following account by Noon as to how he was dismissed establishes this point. On the day he was dismissed he rang up Muhammad Ali Bogra to find out why he was being dismissed. To quote Mr. Noon:

> "Is it your order? He said, 'No, it is not my order and the Cabinet has never given this decision. I will ask Mr. Gurmani just now why he is dismissing the Ministry, so, he rang up Gurmani. I also rang up Chaudhry Mohamad Ali and he, like a wise man, said, 'Please consult the Prime Minister.' I also rang up Iskander Mirza, but he also like a wise man said that you better consult Chaudhry Mohamad Ali and the Prime Minister. So, I went back to the Prime Minister again. In the meantime the Prime Minister had rang up the Governor in Lahore as to why he was ordering dismissal of the Noon Ministry and that how could he dismiss the Ministry. He said His Excellency the Governor-General, before he went to Zurich on the 11th May, gave him a written order to

dismiss the Ministry. So, Mr. Mohammed Ali's mouth was shut up and his Cabinet did not know what to do."[22]

In the new Constituent Assembly the Muslim League strength in the East Pakistan quota had been reduced to two. Muhammad Ali Bogra thought that if he restored resposible government in Dacca under the United Front Party leadership, he would be able to head a United Front-Muslim League coalition, the Muslim League being the majority party in West Pakistan. But his hopes were falsified when the West Pakistan Muslim Leaguers, who were in a majority, elected Chaudhri Mohamad Ali as the Leader of the Muslim League Parliamentary Party. On August 7, 1955 Muhammad Ali Bogra tendered his resignation to Iskander Mirza, who was then Acting Governor-General.

There were two problems that remained to be solved before a new Government could be set up—who should be the new Prime Minister and with which Party from East Pakistan the Muslim League should coalesce? Gurmani, who was then the Governor-designate of West Pakistan, was of the view that Suhrawardy, the leader of the Awami League Party, should be the new Prime Minister with the Muslim League as his partner from West Pakistan. The advantage of such an arrangement was that Suhrawardy, with his wider vision than other East Pakistan leaders, would be able to control the extreme demands for autonomy that were being made from East Pakistan. But Iskander Mirza's calculations were that a strong Governor-General might find it difficult to work with a strong political leader like Suhrawardy.[29] The Muslim League could also form a coalition with the United Front, who had the support of 16 members as opposed to Suhrawardy's Awami League of 12 members. Mirza tempted Chaudhri Mohamad Ali with the offer of Prime Ministership and he could not resist it.

5. *Governor-General, Iskander Mirza, and Prime Minister, Chaudhri Mohamad Ali.* (August, 1955-September, 1956).

Majeed Lahori, a shrewd commentator of *Jung,* wrote when Chaudhri Mohamad Ali became Prime Minister that henceforth *politics khalas aur administration chaloo*

(politics is over and administration begins). The Governor-General had sprung from the Indian Political Service and the Prime Minister had risen from the Indian Audit and Accounts Service.

The most noteworthy achievement of Chaudhri Mohamad Ali was the Constitution of the Islamic Republic of Pakistan. In this Constitution the mechanics of parliamentary government were spelled out in all their essential details. One can understand why this was found to be necessary in the case of Pakistan. President Iskander Mirza's predecessor, Ghulam Mohammed, was often found to be in the habit of stretching his powers beyond the limits of constitutional propriety.

One could see that at every stage the powers of the President were rigidly defined. The President's discretion in the choice of his Prime Minister was limited by the fact that his nominee should command the confidence of the majority of the Members of the National Assembly. Thus, it was expressly provided by Article 50(2) that whenever a Prime Minister was appointed the National Assembly, if it was not sitting at the time of his appointment, should be summoned within two months of his appointment. Similarly, the Prime Minister, though formally holding office during the pleasure of the President, could not be removed unless the President were satisfied that the Prime Minister did not command a majority in the National Assembly. It was also laid down that the Cabinet, together with the Ministers of State, should be collectively responsible to the National Assembly. In the earlier draft the President was empowered in his discretion to dissolve the National Assembly if he were satisfied that the Assembly had ceased to command the confidence of the majority of its electors.[30] This was a dangerous provision, for Ghulam Mohammed was bold enough to dissolve the Constituent Assembly in October, 1954, on the plea that it had ceased to be representative, even though there was no clear provision in the Government of India Act, 1935, to support his action. In the Constitution the President was authorized to summon, prorogue, or dissolve the National Assembly. Since nowhere

was it stated as to how the President could exercise his power to dissolve the National Assembly, it could be safely said that this power of the President was governed by Rule 7 of Article 37 which stated:

"In the exercise of his functions, the President shall act in accordance with the advice of the Cabinet or the appropriate Minister or Minister of State, as the case may be, except in cases where he is empowered by the Constitution to act in his discretion. . ."

Fazlur Rahman, speaking on the Constitution Bill in the Assembly said: "Sir, the history of ups and downs in the constitution-making is the history of rise to power of Mr. Mohammad Ali."[31] To parapharase this statement in political terms, it meant that Chaudhri Mohamad Ali wanted to have an integrated West Pakistan Province before he would accept any constitution. Without such an integrated Province, he thought, East Bengal could not be prevented from playing the "small brother's big brother" role of dividing West Pakistan.

The technique used in integrating West Pakistan was spelled out in the famous documents which were drafted by Daultana. The Committee of the Constituent Assembly which examined the authenticity of these documents reported: "The views expressed by him (Daultana) were the views of the government and must have been written down by him after consultation with those interested in the One Unit Scheme." A few extracts from these documents will show how the integration of West Pakistan was accomplished:

"In fact the real merit of the present regime is that it can hold a pistol to achieve political, constitutional agreement."

". . . It would be fatal to launch our political campaign if, for a period, opposition is not effectively stilled and a time gained for our voice to gain volume amidst surrounding silence."

"As in other directions, the first shot here too may be fired in Sind. Pirzada, therefore, must go at once."

"Perhaps a self-denying ordinance can be imposed on

Malik Noon."

"The folly of our friends must be checked. At a later stage Punjab will have to take the lead. At that time I hope an effective intelligent Punjab leadership will have been put in place both at the Centre and at Lahore."[32]

The One Unit plan was nearly wrecked by the inept policy that the Government followed to put it into effect. Since the Government expected bitter opposition to the One Unit scheme from the Frontier, it was essential for the success of the scheme that the Frontier should be handled with great skill and care. The most powerful obstacle was Khan Abdul Ghaffar Khan. As one of the documents itself stated: "There should be no doubt about it that politically we are no match for him. . ." It was obvious that the Government should avoid creating any impression that the One Unit scheme would benefit the Punjabis. But as the above extracts from the documents indicate, it seemed that the Government was openly flaunting the fact that the Punjabis would ultimately dominate the Province of West Pakistan. One cannot understand as to how an experienced and skilful administrator like Chaudhri Mohamad Ali could send such documents to a man like Sardar Abdul Rashid whose good-will and co-operation he was trying to enlist for the scheme. When the Prime Minister came to know that Rashid was shocked and startled after having read these documents, he confessed that he himself had not read the documents fully and had merely asked Daultana to draft them. All this was a sad commentary on the quality of leadership that Pakistan had at that time. A reasonably sound scheme was publicized in such a way that instead of removing fears of smaller Provinces, the apprehensions of Pathans and Sindhis were aggravated.

After having antagonized Rashid, the Government in a desperate effort to disarm the opposition of Khan Abdul Ghaffar Khan turned towards Khan Sahib. Both Mirza and Mohamad Ali were in agreement that Khan Sahib should be made the Chief Minister of the new Province of West Pakistan. The Government thought that the appointment of a Pathan as Chief Minister was likely to dispel the impres-

sion that the Punjabis were planning to dominate the new Province of West Pakistan.

Daultana must have been in full agreement with this plan for the statement which Chaudhri Mohamad Ali issued on March 27, 1956 in support of Khan Sahib had been drafted by Daultana. But within a week after the statement was issued, the Muslim League Party, of which Daultana was an outstanding leader, refused to lend its support to Khan Sahib and called upon Khan Sahib's Cabinet Ministers to join the Muslim League within a week or face expulsion from the Party.[33]

Khan Sahib retaliated by forming the Republican Party. It was baptized by Governor Gurmani who wrote its manifesto and constitution and blessed by President Mirza.[34] This dispute spread to the Centre as well and by August, 1956, the Muslim League Party had been reduced from a size of 36 to 10. Twenty-six Muslim Leaguers had joined the newly formed Republican Party in the Centre. Chaudhri Mohamad Ali himself resigned on September 8, 1956, even though the newly formed Republican Party was prepared to support him and the United Front Party from East Bengal was also willing to continue its support thereby assuring him of an absolute majority in the National Assembly.

It should not have been very difficult for Chaudhri Mohamad Ali to remain in power had he joined the Republican Party. He was justifiably disgusted with the Muslim Leaguers for they had gone back on their word to support Khan Sahib as Chief Minister of West Pakistan. He therefore could not merely have resigned from the Muslim League Party, but also led the Republican-United Front group. The President also requested Chaudhri Mohamad Ali to come back as Prime Minister because, as his statement said, in his judgement he still commanded the confidence of a majority in the National Assembly.

Chaudhri Mohamad Ali declined to accept the offer of the President to continue as Prime Minister because he knew that the President would control the majority party, namely, the Republicans in his coalition, and that meant his

position as Prime Minister would be weakened. His relations with Governor Gurmani, who had influence over the Republicans in West Pakistan, had ceased to be cordial. Perhaps another major consideration was the fact that his health had been continuously deteriorating.

President Mirza would have preferred Chaudhri Mohamad Ali to Suhrawardy. It was true that they had been at loggerheads in such matters as how much power the President should have in the Constitution and how much Islamic flavour the Constitution should have. But a compromise had been worked out as regards the former and Chaudhri Mohamad Ali was by no means as inept or naive as Nazimuddin on the question of Islamic State.

For Mirza, most of the major problems of Pakistan were more administrative than political. He admired his Prime Minister's secretarial competence, but missed in him the firmness of a District Officer.

6. *President, Iskander Mirza, and Prime Minister, Huseyn Shaheed Suhrawardy.* (September, 1956-October, 1957)

When Suhrawardy was invited to assume office, many observers both in Pakistan and abroad felt uneasy about this new partnership of power. It was thought that Suhrawardy would restore the influence of politicians and this would result in an eclipse of the President's influence and power. Everyone was surprised when they saw the President and the Prime Minister helping one another in tackling problems like the tensions in the Baghdad Pact and particularly the electorate issue which threatened to worsen the differences between East and West Pakistan.

On October 12, 1956 the National Assembly in its session at Dacca passed the Electorate Act, 1956, which said that the elections in East Pakistan would take place on the basis of joint electorates and in West Pakistan on the basis of separate electorates. This was done in the teeth of bitter opposition from the Muslim League members of West Pakistan. The West Pakistan Assembly had already passed a resolution in favour of separate electorates and it was not easy for Khan Sahib to take a stand in favour of joint

electorates because it might have meant defeat of his Government in the House. On October 8, before going to Dacca, Khan Sahib announced clearly that the Republican Party would vote for separate electorates for the entire country. It was obvious that such a stand in the National Assembly would have meant the dissolution of the coalition government as the Awami League was committed to the principle of joint electorates. In less than twenty-four hours Khan Sahib had to abandon the stand that he had taken. This was probably because President Mirza had dragooned the Republicans in a conference which lasted nearly three hours at his residence in Dacca to support Suhrawardy on the issue of joint electorates. *Dawn's* version of these events was as follows:

> "On the ninth of September on the eve of his departure for Karachi, Dr. Khan Sahib clinched the issue by an unequivocal statement that his party would vote for separate electorates throughout the country. Next day when he landed in Dacca he ate his words and the Republicans were made to swallow the formula of separate electorates for West Pakistan alone. Needless to say that this is not what Dr. Khan Sahib had meant or the party had intended, because in West Pakistan the question has only an academic significance. What needs must when the master commands, and the Republicans presumably had their ears boxed for running away with ideas of their own."[35]

Suhrawardy must have been grateful to the President for the support he received from him in the matter of joint electorates. Without joint electorates he could not hope to maintain his party Government in Dacca for the Congress supporters of the Awami League Government had made it clear that joint electorates was a cardial condition for their support to that Government. The Electorate Act was further amended by the Electorate (Amendment) Act, 1957, passed in April, 1957. It said that elections to the National Assembly and Provincial Assemblies would be held on the principle of joint electorates.

Another explosive issue which the President and the

Prime Minister tackled together was that of foreign policy. The Israeli attack on Egypt, followed by the Anglo-French intervention, aroused the usual Pan-Islamic feeling of sympathy for Egypt and intense hostility towards Israel, Britain, and France in Pakistan. Suhrawardy's own party, the Awami League, under the influence of Bhashani, had toyed with the idea of pursuing an independent foreign policy. Now Bhashani and the Muslim Leaguers as well could exploit the situation and point out the folly of pursuing a friendly policy towards the West. Though Nasser's unfriendly attitude towards Pakistan helped Suhrawardy, yet his stand *vis-a-vis* the Baghdad Pact was bold. The President and the Prime Minister worked like a team to smooth the tensions that had arisen among the Baghdad Pact members and particularly to help Iraq face the tide of pro-Nasser and anti-West Arab nationalism in the Middle East. The President went to Saudi Arabia to impress upon King Saud the seriousness of Communist subversion in such a situation. Suhrawardy went on a similar mission to Lebanon.[36] After this, Suhrawardy had to ride the storm of fierce criticism of his foreign policy by the Bhashani group in the Awami League Party. The President was again full of praise for the firmness with which Suhrawardy accepted Bhashani's challenge and kept his party intact without budging an inch from his pro-West foreign policy.

This partnership might have proved enormously useful to Pakistan and had it worked it would have gone a long way towards forging a workable relationship between East and West Pakistan. Both the President and the Prime Minister were capable of being bold, as the electorate issue had shown, in controlling religious fanaticism in the country and keeping the country geared to secular lines. This partnership might have provided Pakistan with a stability in its politics which it had never known since the days of Liaquat. The One Unit issue of West Pakistan proved its undoing.

As it has been pointed out earlier, the integration of West Pakistan had been brought about by a judicious combina-

tion of force and guile under the leadership of Chaudhri Mohamad Ali, Gurmani and Daultana. The National Awami Party, led by Khan Abdul Ghaffar Khan and G. M. Syed, was determined to destroy it by fair means or foul. They knew that both the Muslim League and the Republican Parties had several leaders among them who were quite willing to support them in this policy. Thus, there took place a steady see-saw on the One Unit issue between the Republican Party and the Muslim League. When the Republican Party, led by Khan Sahib and Rashid, came to an understanding with the National Awami Party and were thinking of sponsoring a resolution to that effect in the National Assembly, Suhrawardy rushed to address public meetings in Punjab to denounce the Republicans and the Muslim Leaguers for agreeing to break up the One Unit.

This was a bold but a risky move. Instead of leaving the initiative in the President's hands who had more influence over the Republican Party, he was taking the matter in his own hands and forcing a showdown. The President did try to compose these differences, but Suhrawardy seemed to be in a hurry and asked the President to summon a National Assembly meeting so that he might seek a vote of confidence.[37]

Suhrawardy's calculations were that he would get support at least from 10 Punjabi Republicans, plus 10 Muslim Leaguers, and he would be able to get a majority with his 14 Awami Leaguers and the votes of Congress and other groups.[38] He was probably not wrong in these calculations as it turned out later that he did forge an alliance with the hard core of the Republican Party, namely, the Punjabi Republicans, and it was well known that the Muslim Leaguers in the National Assembly would have supported him on this issue. This aroused the President's suspicions immediately. Had he agreed to Suhrawardy's request, it would have meant that the National Assembly would have become the maker and unmaker of Ministries and not the President. Secondly, Suhrawardy was trying to disrupt the Republican Party and this would have undermined the President's influence. One cannot escape the feeling that

the President was always haunted by the insecurity of his post and the uncertainty of getting elected again. As a civil servant, he thought he had reached the President's position by steady promotions and did not want to be dislodged from this 'permanent post'.

7. *President, Iskander Mirza, and Prime Minister, Ismail Ibrahim Chundrigar.* (October, 1957-December, 1957)

When I. I. Chundrigar was commissioned to form his Muslim League-Republican Government, Muslim Leaguers thought that the time had come to settle old scores and swallow the Republicans whom they had never recognized as a genuine political party. They thought that the President's alternatives were severely limited after the exit of Suhrawardy. Just as Mirza had dragooned the Republicans into accepting joint electorates under Suhrawardy's influence, he would similarly force the Republicans to swallow separate electorates at the behest of the Muslim Leaguers.

In all these calculations the Muslim Leaguers were grossly underestimating Khan Sahib's hostility towards the Muslim League and the bitterness of his colleagues like Sardar Rashid, Talpur, Firoz Khan Noon, Pirzada and Mamdot towards Muslim League leaders like Daultana and Khuhro. When Suhrawardy offered better terms to Noon and Khan Sahib whereby for the sake of retaining joint electorates, he would support the Republicans without demanding any posts in their Ministry, the fate of Chundrigar's Ministry was sealed.

8. *President, Iskander Mirza, and Prime Minister, Firoz Khan Noon.* (December, 1957-October, 1958)

Noon's Cabinet drew its support from a loose coalition consisting of the Republicans, the Awami Leaguers, the Congress and a section of the Krishak Sramik Party. But its hard core was the Punjabi-Bengali alliance represented by Noon and Suhrawardy. It was significant that soon after Noon formed his Ministry, Rashid, a Pathan and the Chief Minister of West Pakistan Province, had to resign and join the Central Cabinet, and Muzaffar Ali Khan Qizilbash,

a Punjabi, was made Chief Minister of West Pakistan. The Awami League Government was in power in Dacca. Thus, Dacca-Lahore axis was ruling Karachi.

President Mirza was obviously disturbed by such an arrangement. Suhrawardy and Noon had not kept the implications of their alliance a closely guarded secret. Suhrawardy would definitely try to emerge as the Prime Minister after the elections and Noon would have a chance of being elected as President. Suhrawardy had also once boasted to press correspondents that he had names of a couple of candidates for the Presidency in his pocket.[39] To make matters worse, Qaiyum Khan, ignoring the advice of the President's Muslim League supporters like Daultana and Chundrigar, went about all over the country attacking the President in violent terms.

The President, particularly after the Suhrawardy-Noon alliance, had lost control over the Republican Party. His principal supporters from the Republican Party were Sindhis like Ghulam Ali Talpur, Khuhro, and above all, the Pir of Pagaro, and Punjabis like Amjad Ali and Abid Husain. (Qizilbash was on both sides). The President was also angling for support from the Frontier by trying to come to terms with Khan Abdul Ghaffar Khan. In the Nathiagali Conference in June, 1958, the President was reported to have agreed with the Frontier leader that if the Frontier, Sind and Baluchistan areas voted for the breaking up of the One Unit in the forthcoming elections, the West Pakistan Province would revert to its former Provinces. Manzoor Qadir, the present Foreign Minister, was called upon to draft the terms of the agreement. But the President could not persuade Noon to agree to these terms.

Mirza would have liked to dislodge the Awami League Government in Dacca. His principal supporters there were the Krishak Sramik Party. But his first attempt resulted in the dismissal of his friend, Fazl-ul Huq, by Noon on grounds that Fazl-ul Huq had unjustifiably dismissed the Awami League Ministry of Ataur Rahman Khan. His second attempt was marred by the ugly incidents of September,

1958. The Awami League Party in order to retain power declared the Speaker insane and the Krishak Sramik Party, in a desperate bid to capture power or have Section 193 imposed in the Province, attacked the Deputy Speaker who subsequently died.[40]

Pakistan was faced with a triangular scramble. The apex of this triangle was the President. The President was purely interested in remaining where he was. He was opposed by both the contestants, namely, the Republican-Awami League alliance and the Muslim League. The Muslim League, particularly in West Pakistan, was becoming increasing popular.[41] Khan Abdul Ghaffar Khan's popularity in large areas of the Frontier was also well established. The only recourse open to the Republican Government was to do what the earlier Muslim League Governments in West Punjab, in the N-W.F.P., and in Sind had done. If Qaiyum Khan could attract vast crowds, Qizilbash could also persuade through patwaris and police officials substantial crowds to come to his meetings. By granting import licences to their friends in the business community, the Government could raise enough funds for the election campaign. By appropriate transfers and postings of Deputy Commisioners and Superintendents of Police, the Government could hope to produce the desired election results.

Thus, it was obvious that the main political parties were desperately keen to capture political power in the Provinces because they felt that the elections could best be rigged in favour of that party which controlled the Provincial Government at the time of the elections. This explains the bitter fight that had taken place in West Pakistan between the Republicans and the Muslim Leaguers for the control of the Provincial Government and between the Awami Leaguers and the Krishak Sramik Party in East Pakistan for grabbing power in that Province. Mirza's calculations also ran along these same lines. Either he would bring about a change in the Centre and the new Prime Minister would try to place his supporting parties in the Provinces, or when dissatisfied with the existing Prime

Minister, he would try to upset Governments in the Provinces with the result that this would disturb the coalition at the Centre. The rot had set in and both the President and the politicians had to share the blame.

This explains why General Ayub Khan deposed the very President who had asked him to take over the administration of the country. He pointed out: "The general feeling existed that Mirza was as much responsible for political deterioration as anyone else. It had been his responsibility to stop this deterioration."[42]

Iskander Mirza had never outgrown the role of a Political Agent of the North-West Frontier. He belonged to what Philip Woodruff called the school of "*bons viveurs*" not "very concerned about what might happen in five years, opportunists hoping to get over the next hurdle and perhaps obtain some amusement."[43] He was ambitious not for accomplishing something worthwhile and leaving a good name behind, but for acquiring and wielding enormous power. The fact that he and his predecessor, Ghulam Mohammed, had reduced political processes in Pakistan to such a state that no political decision could be made either at the Centre or in the Provinces without the consent of the President must have given him enormous satisfaction. Thus, if the Opposition felt strong enough to challenge the Government in East Pakistan, the Opposition leaders, before making such an attempt on the floor of the House in Dacca, would try to seek the blessings of the President first by interviewing him in Karachi.[44]

Mirza's training and experience had been such that he knew only one way of achieving his objects, namely, the old Frontier game of setting one tribe against another. There was nothing positive in the ends sought in this game, for by this policy one merely prevented the parties concerned from causing any damage to oneself and the Government one represented. Pakistani politicians were even more manageable tools than the Pathans for they lacked loyalty to the group or party to which they belonged. Perhaps Mirza thought that this game could be played just as easily and skilfully with the Pakistani Army. But General Ayub,

being a Pathan himself and also having worked very closely with Mirza ever since the establishment of Pakistan, knew intimately all the intricacies of Mirza's game. He removed him before he could cause any damage. Some writers have been harsh in imputing vicious motives to Mirza. A charitable interpretation of his role would be that he had played this game so long and derived so much fun out of it that he had become oblivious of its harmful social consequences.

Those who have followed closely the tangled web of Pakistan's politics cannot escape the impression that during the last five years Pakistan has been very much like Hobbes' state of nature where there has been a war of every man against every man. The present Martial Law administration is the Leviathan which has stepped in to enforce law and order at the point of the sword.

Is this all a sad commentary on the British idea of progressive realization of responsible government? Here is a country which was under British tutelage and exposed to British parliamentary institutions ever since the introduction of dyarchy under the Government of India Act, 1919, and now faced with a total breakdown of parliamentary institutions. It is true that it can be argued that much of the blame for this has to be shared by Pakistani politicians and civil servants. How could parliamentary democracy work in the absence of well organized political parties? Similarly, it can be argued that democracy could not flourish in a country which did not have even one general election since it came into being. And how could politicians, elected indirectly under the influence and control of the Government, refrain from political intrigue and remain loyal to their respective groups and parties?[45]

Another factor which explains the breakdown of parliamentary institutions in Pakistan is that the Provinces which constitute Pakistan today did not have sufficient time and experience to operate parliamentary institutions. Parliamentary institutions could not take firm roots, particularly in a soil into which they had been transplanted, in a period of a few decades. And it must be remembered that even

during these few decades they did not work uninterruptedly. There were such powerful and intoxicating distractions for political leaders like the struggle for Pakistan. It is also important to recall that able parliamentary leaders from the Punjab like Sir Fazl-i-Husain and Sir Sikander Hyat Khan were dead before Pakistan came into being. Men like Mamdot and Daultana, besides being young, had not received any training either in running an administration or organizing a political party. Their task of winning political support had been rendered rather easy as a result of the enormous support that the Pakistan Movement had evoked among Muslim masses. The only training in politics that they had received in pre-Partition days was to denounce their opponents as traitors. And the only political conduct they were found capable of after Partition was to intrigue and feud against each other until each one of them was rendered impotent and Governor's rule clamped on the Province. As for parliamentarians like Fazlul Huq, Suhrawardy and Khuhro, they continued their former feuds in Pakistan. Some of the political instability in Pakistan must be seen as a continuation of political feuds which used to take place under these leaders in Bengal and Sind.

It has been said that even a sound constitutionalist like the Quaid-i-Azam did not realize that as the representative of the British King his constitutional authority was circumscribed by clear conventions and precedents and that a careful adherence to these practices by the founder of Pakistan was extremely important if parliamentary government were to get a good start from the very beginning. *Dawn*, representing the Muslim League point of view, said: "Whatever the constitutional powers of the Governor-General of a Dominion may nominally be, in Quaid-i-Azam's case no legal or formal limitations can apply."[46] Since he was the Quaid-i-Azam and he chose to be the Governor-General, probably an impression was created in the public mind that the office of the Prime Minister was inferior in power and functions to that of the Governor-General. But in fairness to Jinnah it must be pointed out

that he could not have withstood the rigours of the Prime Minister's office because of his precarious health had he chosen to assume that role. Secondly, Pakistan was faced with such stupendous difficulties during the first year of its establishment that it needed the guiding hand of its founder.

Even though it is difficult to discern what exactly Pakistanis mean when they say that Pakistan was established to set up an Islamic State, one can see that a great majority of the masses believe passionately in Islam and would lay down their lives in its defence. One cannot say the same thing about democracy. In the Punjab religious disturbances of 1953 there were many people who were prepared to face bullets in order to have Zafrulla Khan removed from Pakistan's Cabinet and his community declared a minority community outside the pale of Islam. But a few months later when a Prime Minister, who enjoyed majority support in the Constituent Assembly, was dismissed arbitrarily by the Governor-General, there were no demonstrations or violent protests. Later, in October, 1954, when the Constituent Assembly itself was dissolved by the Governor-General, again no Pakistani Hampden came foward to raise the banner of protest in the cause of democracy.

Democracy has worked reasonably well in homogeneous societies where public discussion and Her Majesty's loyal Opposition are possible because such societies can afford to bicker without impairing national unity on wider questions. In plural societies like Pakistan, Opposition parties usually are spokesmen of minority or Provincial interests, and disagreements either degenerate into violent conflicts or the Opposition is suspected by the ruling interests as anti-national or foreign inspired. In addition to this, because of the federal structure of the country, the limited resources of political leadership in Pakistan were spread thinly all over the country. Particularly in the Provinces, as has been seen, from the very inception of Pakistan political leaders displayed an amazing degree of irresponsibility. In East Pakistan, when the Army was called upon to seal the border

districts to stop smuggling in December, 1957, the Provincial Awami League Government was threatened by the Hindu Members that they would withdraw their support. The latter felt that a number of Hindu families who were engaged in sending their capital and valuables out of Pakistan would be adversely affected. Here was a clear case where the normal parliamentary process was being used against the interests of the country. A few weeks before the introduction of Martial Law, M. A. Qizilbash, the Chief Minister of West Pakistan, admitted on the floor of the House that "now, from top to bottom, there was hardly a person who was not corrupt."[47] It may be pointed out that such political immaturity and irresponsibility has been displayed in more advanced countries like Canada and the United States where at one time or another a Provincial Government like that of Quebec or a State Government like that of Louisiana have been by no means good examples of administrative efficiency or political probity. But such evils were far more infectious and deep-seated in Pakistan. In Pakistan, there were only two Provinces and a number of Members of the Provincial Assemblies were also Members of the National Assembly with the result that the disease could spread easily and directly from one to the other.

Jinnah, while fighting for Pakistan, used to plead to his followers that all their energies should be directed towards the achievement of Pakistan and that they had no time to quarrel or quibble about social and economic problems. "First get the government. This is a nation without any territory or any government."[47] Pakistan has a reasonably efficient government but is still in search of a national identity. Pakistan as a State is still a sapling which needs nourishment from unifying forces. These are still very few. Islam no doubt is a bond of unity, but it still needs to be given practical and legal content and concreteness. The memory of the Quaid-i-Azam is another symbol of unity. But neither of these can be decisively effective as long as the economic problem in its federal aspect looms large and remains unsolved.

## FOOTNOTES

1. Wherever possible footnotes have been given. But for some of the details the author has relied on his personal knowledge acquired when he was Lecturer in Political Science, University of Dacca (1951-1953), and also when he visited Pakistan May-November, 1958 and later during May-September, 1960.
2. Walter Bagehot, *The English Constitution* (London: Oxford University Press, 1952), p. 55.
3. So awe-inspiring was the Quaid-i-Azam that according to Jinnah's Secretaries, Liaquat Ali Khan, before seeking an interview with the Governor-General, would ascertain from the Governor-General's Secretaries as to whether he was in a good mood.
4. *Constituent Assembly (Legislature) of Pakistan Debates*, 6th March, 1948, Vol. I, p. 279. (author's italics).
5. Mir Laik Ali's unpublished manuscript on the Hyderabad dispute.
6. This information was obtained from Ministers who were in the Cabinet during Jinnah's time.
7. *Constituent Assembly of Pakistan Debates*, 11th August, 1947, Vol. I. pp. 18-20.
8. *Quaid-e-Azam Speaks* (Karachi: Pak Publicity, n.d.), p. 134-135.
9. *Pakistan News*, September 15-21, 1948 (Karachi: Press Information Dept.), Vol. 2, pp. 7-8.
10. *Pakistan News*, September 22-November 2, 1948 (Karachi: Press Information Dept.), Vol. 2, No. 39-44, p. 12.
11. *Rules of Business* (Karachi: Government of Pakistan Cabinet Secretariat, 1952), p. 2.
12. *Ibid.*, p. 15.
13. This was substituted by Lord Mountbatten, presumably on Jinnah's advice, by G.G.O. 22 of 1947, Schedule, for the original Sub-Section (5) of the Government of India Act, 1935.
14. See Chapter XI, p. 322.
15. Leonard Binder, *Islamic Constitutional Theory and Politics in* Pakistan (Harvard University Ph.D. thesis, April, 1956), p. 248.
16. Among the members who signed the Basic Principles Committee Report, there were 10 Bengalis and their supporters numbered 7. These supporters included A. R. Nishtar, Qaiyum Khan, Jaffar Shah,— from the N-W.F.P.; I. H. Qureshi and Mahmud Husain—elected from Bengal, but originally from the Indian Muslim minority Provinces; Abdus Sattar Pirzada—from Sind; and even a Punjabi like Syed Khalil-ur-Rahman.
17. For this Punjabi point of view, see *Pakistan Review*, (Lahore), February, 1953.
18. *The Round Table*, Vol. XLIII, pp. 270-271.
19. The author has been told by a Cabinet Minister that when the Cabinet Secretary read from the Minutes that the decision to

impose Martial Law in Lahore was a unanimous decision of the Cabinet, several Cabinet Ministers protested that this was not so.

20. *Morning News* (Dacca), April 18, 1952.
21. Punjabi leaders like Firoz Khan Noon, Mian Mumtaz Muhammad Khan Daultana, and newspapers like *Civil & Military Gazette*, *Ehsan*, *Assar*, and *Nawa-e-Waqt*, all welcomed the compromise formula. See Mohammed Ali, *The Constitution Proposals* (Karachi: Ferozsons, n.d.), pp. 15-20.
22. *Constituent Assembly of Pakistan Debates*, 15th September, 1954, Vol. XVI, p. 361.
23. The Public and Representative Offices (Disqualification) Act, 1949, passed during Liaquat Ali Khan's time provided that any person found guilty of misconduct in any public office or representative capacity might be disqualified from holding any public office for a period of not more than ten years by an order passed by the Governor-General in his discretion. The charges of misconduct might be brought by the Governor-General or Governor or by any five persons. The Governor-General or the Governor was to refer these charges to the Federal or a High Court. The Order of Disqualification of the Governor-General would be based on the findings of such courts.
24. *Constituent Assembly of Pakistan Debates*, 9th September, 1955, Vol. I, p. 630.
25. "The child in politics" seems to be a favourite expression among Bengali politicians.
26. Cited in Sir Ivor Jennings, *Constitutional Problems in Pakistan* (Cambridge: 1956), p. 283.
27. *Draft Constitution of the Islamic Republic of Pakistan* (Confidential), (Karachi: Government of Pakistan Press, 1954).
28. *Constituent Assembly of Pakistan Debates*, 26th August, 1955, Vol. I, pp. 327-328.
29. Mirza is reported to have once said that Suhrawardy would become a Prime Minister only 'over my dead body'.
30. For the first draft see *The Gazette of Pakistan Extraordinary* (Karachi), January 8, 1956. Article 49, Rule 2, p. 42.
31. *Constituent Assembly of Pakistan Debates*, 25th January, 1956, Vol. I, p. 2046.
32. These extracts have been taken from Document A, B, and C, and Document "X". They were examined by a Committee of the Constituent Assembly and quoted in the Assembly by several Members. See particularly the speeches of Sardar Abdur Rashid Khan and Mian Iftikharuddin. *Constituent Assembly of Pakistan Debates*, 1955, Volume I, Numbers 17 and 20 respectively, pp. 508-513 and pp. 612-629.
33. The author has gathered from a number of sources that in the

Muslim League Parliamentary Party meeting Daultana spoke in favour of accepting Khan Sahib as Chief Minister of West Pakistan but his principal lieutenants harangued the party members against accepting an ex-Congressite.

34. This was revealed by no less a person than the Secretary General of the Republican Party, Mir Abdul Qaiyum. *Dawn* (Karachi), March 16, 1957.
35. *Dawn* (Karachi), October 12, 1956.
36. *The Times* (London), November 24, 1956.
37. See Suhrawardy's statement. *Dawn* (Karachi), October 31, 1957.
38. 14 Awami Leaguers, 10 Republicans (Punjabis), 10 Muslim Leaguers, 4 Congress, 1 Azad Pakistan Party, 1 Ganatantri Dal, would have given him the support of 40 members and the lure of office would have enticed a few more—probably some Sindhis and Independents. This should have ensured Suhrawardy a clear majority in the House of 80 members.
39. *Dawn* (Karachi), March 21, 1958.
40. The tragic fighting that the author witnessed in East Pakistan Assembly in September, 1958, was pictured as a puppet show with the President pulling the strings in a cartoon which appeared in the *Lail-o-Nahar* (Lahore), September 28, 1958.
41. Over half a million people welcomed Khan Abdul Qaiyum Khan in Gujrat City and "from Sarai Alamgir right up to Gujrat—a distance of 32 miles—one could see incessant flow of processions." *Dawn* (Karachi), October 6, 1958. These are probably exaggerated estimates of a pro-Muslim League newspaper.
42. *Dawn* (Karachi), October 31, 1958.
43. Philip Woodruff, The Men Who Ruled India, *The Guardians* (London, 1954), p. 295.
44. Many political observers in Pakistan regarded the daily circulars from the President's House which mentioned the names of people who saw the President as more reliable indicators of the future political changes in Pakistan than the debates in the Central or Provincial Assemblies or the press statements of the Prime Minister or Provincial Premiers.
45. Like the first Constituent Assembly, elections for the second Constituent Assembly were also indirect. Members from each Province were elected by the Members of the Provincial Legislative Assembly of that Province. Firoz Khan Noon has described the way members from West Punjab were elected to the Constituent Assembly. It looks as if Governor Gurmani wanted certain Muslim Leaguers to be elected, whereas Firoz Khan Noon, who had quarrelled with both the Governor and the Muslim League high command, was interested in having his own group members elected. It seems names of those members who voted for Noon's group were supplied

by the Returning Officer to the Governor. The Muslim League, which was working at that time in close alliance with the Governor, issued notices to these members who voted for Noon's group as to why disciplinary action should not be taken against them for having defied the party instructions. *Constituent Assembly of Pakistan Debates*, 26th August 1955, Vol. I, p. 331.

46. *Dawn* (Delhi), July 15, 1947.
47. *The Pakistan Times* (Lahore), August 26, 1958.
48. Jamil-ud-Din Ahmad (ed.), *Some Recent Speeches and Writings of Mr. Jinnah*, Vol. II (Lahore: Ashraf, 1952), p. 393.

# XVI

## THE FORMATIVE PHASE AND THE CURRENT PHASE

An historical approach has been adopted in Part One of this book to analyze and appraise the forces that lay behind the Pakistan Movement. In order to understand the current phase and where it is heading, one must also know from where and how Pakistan came about. Would the same forces which brought it into being sustain and stabilize it or would it need a new and different nourishment?

The idea of a separate Muslim State that the Muslim League put forward in March, 1940, was not altogether original. The idea of Muslims being a separate nation and the unsuitability of parliamentary institutions to Indian conditions because of the multi-national and multi-racial character of the Indian electorate had already been stated nearly sixty years ago by Sir Sayyid Ahmad Khan. Similarly, Altaf Husain Hali in his essays on social and political problems of Muslims written during 1880-1906 took for granted that Muslims were a separate *qawm* (community or nation).[1] Even Shibli Numani, a great advocate of Hindu-Muslim unity in political matters, when faced with the problem of Arya Samaj attempts to convert Muslim rural classes to Hinduism, suggested that extensive propaganda should be carried on in the countryside to increase the religious consciousness of Muslim peasants and rid their lives of Hindu superstitions and practices. It may be pointed out that most of these ideas had reached their full germination long before the introduction of separate electo-

rates. Muslim consciousness of their separate culture and traditions was so great that even followers of Sir Sayyid like Hali, Shibli and Nazir Ahmad were opposed to what they suspected as Sir Sayyid's attempts to bring about wholesale imitation of British culture and ideas among Muslims.

It was true that Hindu-Muslim tension tended to increase after the British announcement in 1917 to transfer power by progressive stages. But it must be remembered that even though separate electorates had already been introduced, Hindu-Muslim tension did not increase continuously during 1919-1937. During this period Muslim educated classes, led by Azad, Muhammad Ali and Jinnah, were thinking mostly in terms of evolving a common Indian nationality. It was the lonely voice of Iqbal in 1930 in the annual session of the Muslim League (when it was difficult to get even the minimum quorum of members at such sessions) which resuscitated the idea of a separate Muslim nationality based on a distinct Islamic ideology and culture. It was only during 1937-1940, when upper caste Hindus had emerged dominant on the political scene, that the Muslim League led by Jinnah became increasingly apprehensive about the future fate of Muslims under a united India. There have been and will be many claims as regards the original authorship of the idea of Pakistan. The latest one, the author understands, is by Chaudhri Khaliquzzaman.[2] But there cannot be any doubt as regards who brought it to its final fruition. It would be difficult to deny that the credit for the speedy and the brilliant execution of this idea goes to the Quaid-i-Azam.

The British have been accused of having tried deliberately to divide and disrupt Indian nationalism based on Hindu-Muslim concord. As has been pointed out before, the evidence in support of such an allegation is not very convincing. On the contrary, it can be argued that the unifying influence of British rule on Indian life through improved means of communication, a centrally organized Civil Service and cultural media like the English language, literature and thought was considerable. But Muslims and

Hindus with their separate cultural traditions reacted differently to these influences. Hindus, for example, reacted more favourably towards the idea of nationalism associated with a nation and territory than the Muslims. This was largely because Muslims were somewhat confused and were not sure whether they should merge themselves into a common Indian nationality. They were apprehensive about their future in a country which they had ruled not too long ago and in which, under the democratic dispensation, they would be reduced to the status of a perpetual minority. Muslims, who belived that the entire Muslim world constituted a community of believers in Islam (*Millat-i-Islamia*), found it difficult to accept the idea of nationality based on territory or race. In addition to this, Hinduism towards the end of the nineteenth century was passing through an aggressive phase. It was not too long before Muslims also reacted in an equally militant fashion. It may be asked, why could not the Western culture succeed in overcoming these communal cobwebs and sources of friction and help Indians evolve a common nationality with a nation-state modelled on parliamentary lines? The British did not proceed headlong with a total replacement of local cultures by the new Western culture. Furthermore, the British were not writing on a clean slate. Islam and Hinduism with their respective rich cultural and intellectual traditions tried to absorb Western ideas without surrendering their individuality. A virgin soil tilled by a more determined British effort to transplant their ideas and culture might have avoided the Partition of India.

It can be argued that the British policy of introducing representative institutions in India tended to unite the educated Hindu and Muslim leaders and make them think in terms of extracting more and more concessions from the British with the ultimate aim of setting up responsible government in India in the same way as Canada and Australia had done. Thus, the aims of men like Gokhale, Pherozeshah Mehta, Surendranath Banerjee, Motilal Nehru and Jinnah were to proceed stage by stage by constitutional methods along the path to responsible government. But the

appearance of Gandhi on the political scene, combined with events like the Amritsar tragedy and the Khilafat movement, changed the political climate. Gandhi felt that the British would not concede political independence to India voluntarily. His answer was that it was only when the great majority of Indian masses became politically conscious and by passive resistance made the British realize that they were not wanted in the country that the British would think of leaving the country. Maulana Muhammad Ali also thought that unless a great majority of Muslims, by agitation and political demonstrations, made the British conscious of their feelings regarding the Khilafat the British would not abandon their hostile policy towards Turkey and Muslim interests. All this meant mass participation in political activity. Political negotiations even when conducted at the top level are difficult and intricate. When they are conducted in the full view of the masses, the negotiations become more susceptible to mass emotions and prejudices. Political leaders, in order to get support from the masses, have to use expressions and ideas which the masses can grasp. During the Khilafat movement this was precisely what happened. When Muslims were told to take a clear stand against the British on the plea that they were enemies of Islam, how could they be expected to continue to be friendly with Hindus who were also non-Muslims and on certain occasions in the past had created the impression of being anti-Muslim? Jinnah at first would have nothing to do with this 'vulgarization of politics.' But later, when he came in contact with the masses, he found that this was the only way to obtain their support. Thus, it was not so much separate electorates which deepened the cleavage between Hindus and Muslims as the increasing participation of Hindu and Muslim masses in politics. Most of these people did not exercise their franchise.

It may be pointed out that differences between Hindus and Muslims increased largely because of the urban and educated leaders fighting for offices of power and patronage whereas the masses of Muslim and Hindu peasants lived in harmony in the villages. This was true, but with

the mass participation in politics, Hindu and Muslim peasants became conscious of their different political interests. Muslim peasants living in a village could get along well with their Hindu neighbours but when they were told that in Pakistan they would live under an Islamic State, it was natural that their attitude towards their Hindu neighbours would change.

There was a world of difference between the way of life of the Muslim peasants in East Bengal, Sind and the Punjab and that of the Muslim educated, urban groups. Muslim Leaguers, both in the pre-Independence period and after the establishment of Pakistan lived in both these worlds. In the Parliament or in the Bar Association or in the Working Committee meetings, they talked about parliamentary democracy, discussed the ideas they came across in the latest books by English and Western authors. When they faced the masses, they talked of Islamic State and Islamic justice. Several of them perhaps sincerely believed that the two worlds could be bridged. But one cannot escape the impression that even though they tried to be loyal to both worlds, they did not see the incongruity between the two of them. There were others who were perhaps conscious of the difference and thought that they would use the State as an instrument to raise the rural masses to the urban level. Then there were the political manipulators who were quite aware of the difference between the two worlds, but were merely interested in obtaining the support of the rural masses by raising slogans like Islamic State to gain either their narrow, selfish ends or those of the urban groups to which they belonged.

"Democracy", as Thomas Masaryk said, "is not alone a form of State and of administration. It is a philosophy of life and an outlook on the world."[3] Those who have watched the rigging of elections through stuffing ballot boxes or through official or police interference in West Punjab, the N-W.F.P., and in Sind would wonder whether democracy was a philosophy of life of men like Daultana, Qaiyum Khan and Khuhro. Ghulam Mohammed has often been accused of having committed the original sin when

he dismissed Nazimuddin's Ministry in 1953 and later dissolved the Constituent Assembly in 1954. But it must be remembered that the spade work for all this had been done in the Provinces. If Liaquat could dismiss a Provincial Ministry in West Punjab and dissolve the House in 1949 on the plea that both the Ministers and the Legislators were a pack of selfish and irresponsible men, Ghulam Mohammed could advance the same arguments for his action. Muslim Leaguers who were affected by Ghulam Mohammed's action at the Centre would no doubt protest that they were not as irresponsible or immature as their counterparts in West Punjab. Similarly, Muslim League leaders, particularly during the post-Pakistan period, have been accused of being insincere in their profession of faith in an Islamic State. It has been said that they raised these slogans to lull or mislead the masses. Pakistan was established as an Islamic and a democratic State and its leaders, at least during the formative phase, have proved to be neither very Islamic nor democratic.

It has been argued at great length to show that parliamentary democracy can neither work in a country like Pakistan where the great majority of the population is illiterate nor is it useful to a country where the urgent need is for sustained and speedy economic development. As regards the argument of illiteracy, the Indian example shows that illiteracy is not always accompanied by political immaturity. Similarly, it has been argued that the politicians have behaved in such an irresponsible and immoral fashion in Pakistan that democracy has been discredited in the eyes of the public. But politics is by no means a saintly art even in advanced countries and corruption is not something which is endemic to Pakistan. The great merit of democracy is that perhaps more than any other form of government it can contain corruption within manageable limits. Similarly, it can be argued that if democracy had been given a fair chance in Pakistan, corrupt politicians might soon have been brought to book.

There are many Pakistanis who firmly believe that it is not correct to say that democracy has collapsed in Pakistan

because it was never allowed to function properly. No general elections had been held and the ruling cliques in Pakistan brought about arbitrary dismissals of popular Ministries in utter disregard of parliamentary practices. It is very difficult to isolate one group or the other for sole blame if this conspiracy theory is accepted. Was Ghulam Mohammed responsible for dealing the first blow at democracy or Nazimuddin and the Muslim League for having accepted his arbitrary action without any protest? The causes of the breakdown of democracy are probably deeper than these. As has been pointed out earlier, democracy implies discussion and debate which tend to divide a country while these methods of settlement are in progress. Only a nation which has perfected the art of conducting these processes without impairing its unity can afford such a form of government. Where two warring nations or groups are locked in constant combat in a country, democracy tends to hasten the process of disintegration. This has precisely been the problem of Pakistan. It is not the illiteracy of the masses in Bengal or the Punjab that accounts for the failure of democracy, but the inability of educated groups in Bengal and the Punjab to look at the problem of Pakistan from a national point of view despite their differences and conflict of interests.

How can the problem of creating "one state out of two countries and one nation out of two people" be solved?[4] When Muslims were struggling for Pakistan, Muslim leaders constantly campaigned before the masses that Pakistan would enable Muslims to live their lives according to the principles of Islam and that Pakistan would be based on a distinct Islamic ideology in contrast to other States. They said that they were asking for separation from India not merely because of the fear of the persecution of Muslims at the hands of the Hindu majority, but for the establishment of something positive, namely, an Islamic way of life under a State. This hope has not been fulfilled. On the contrary, there is a tendency among young Muslims to drift away from the traditional Islamic modes of thinking and living. Again there is a difference in the way this hap-

pens in the case of a West Pakistani and an East Pakistani. A West Pakistani, when he becomes secular minded, still has his moorings within a Muslim or Persian cultural pattern. He still quotes Ghalib's poetry or recites modern Urdu *ghazals*. But an East Pakistani, when cut adrift from orthodox Islam, tends to move into the broader Bengali cultural environment. Islam is still the strongest bond between the two wings—any weakening in its influence is bound to be reflected in the East-West Pakistan relationship. It is often said by educated groups that so far *Mullahs* have kept Islam in a rigid and primitive form. But it is seldom realized that the educated groups have not made much headway in transforming it into something more modern and workable. It is the task of the educated groups to build a bridge between the modern world and Islamic traditions. Their failure in this direction has been as great as their failure in solving the federal problem between East and West Pakistan.

### Constitutional Problem

A constitution is like a garment which has to fit not only a human body but should also be comfortable considering the climate and the prevailing fashion of the country. A constitution, like a garment, beautifully prepared and tailored abroad may not suit the needs of a given country. Pakistan inherited the Viceregal system from British India. It was expected that this Viceregal system would be modified in accordance with democratic and parliamentary principles. Thus, the Government of India Act, 1935, was adapted in such a way that the discretionary powers were taken away from the Governor-General. Pakistanis not only revered their Quaid-i-Azam but also wanted that he should guide them through the first formative years. The result was that without having the discretionary powers of his predecessors under his control, the Quaid-i-Azam was actually more powerful than any Viceroy. This again goes to show that the constitution had to answer the needs of Pakistan at that time and not conform to those principles of democracy that Pakistanis read in various text books or found in actual operation in countries like the United

Kingdom and other British Dominions.

Under Liaquat, it was clearly demonstrated that both the Prime Minister and the Governor-General could not be powerful. The Governor-General was more powerful than the Prime Minister during Jinnah's time and after his death the ascendancy of the Prime Minister was clearly established. Thus, the Centre suffered from no constitutional disturbance during the first four years largely because there was no conflict between the Governor-General and the Prime Minister. But since no clear precedents had been established, one could say that the way the constitution had worked during the first four years there was a built-in conflict between the Governor-General and the Prime Minister. Under Jinnah, power was located in the office of the Governor-General. After his death, power gravitated towards the office of the Prime Minister because the succeeding Governor-General was a weak man. Under Ghulam Mohammed and Iskander Mirza, there was a sharp conflict between the Head of State and the Prime Minister. This was largely because of two reasons. First, neither Ghulam Mohammed nor Mirza had sufficient prestige to evoke respect for the authority that they claimed for their office. In Pakistan, like any other politically new country, democratic principles were put forward to restrict the power of the Chief Executive when he failed to command their respect and admiration as a great man. Secondly, the Head of State and the Prime Minister were involved in the Provincial conflict that was taking place in Pakistan.

Thus, the constitution of Pakistan, like a garment, should be tailored in such a way that it answers the specific and urgent needs of the country. It is clear from the recent constitutional history of Pakistan that if there are two men at the top, a President and a Prime Minister, both armed with certain clear powers and functions, there is bound to be conflict. In Britain and countries like Canada and Australia, the Head of State assumes a "dignified" role, letting the Prime Minister function as the "efficient" Executive because the latter enjoys the confidence of the majority party in the Parliament and in the country. In Pakistan,

on the other hand, apart from the Muslim League during the first few years, there has not been a majority party with following all over the country to support the authority of the Prime Minister. And it is likely that as long as Pakistanis tend to owe their first loyalty to the Provinces in which they live, such a majority party is not likely to emerge. This means that the Assembly is not likely to provide a stable government. East Pakistanis have not only grievances against the Centre and West Pakistan, but also form the majority of the population A federation like that of Canada is not confronted with such a problem. Quebec, the aggrieved Province, is not only one of the ten Provinces, but its majority population of French-speaking Canadians forms a minority in the total population of Canada.

In so far as the role of the Chief Executive *vis-a-vis* the Assembly is concerned, the present Government is in favour of a constitution which would abolish the office of the Prime Minister and make the President the chief focus of power. The role of the Assembly would be to act as a check against the possibility of the President stretching his powers to emerge as a dictator. The Assembly is likely to have 200 members indirectly elected on the basis of parity from East and West Pakistan by the Basic Democrats. This parity has already been anticipated in the number of seats allotted to East and West Pakistan for elections to Basic Democracies held in December, 1959. East Pakistan has been given 40,000 seats. West Pakistan has been given 39,216 including the 1,389 seats allotted to Karachi. This means that about 11.2 million registered voters of West Pakistan have elected about the same number of Basic Democrats as 20.1 million registered voters of East Pakistan. If 100 seats allotted to each Province in the Assembly are to be distributed equally among the 40,000 constituents, roughly 400 Basic Democrats would form an electoral college for each Member of the Assembly. The Government also feels that under this system of indirect election the number of illiterate voters would be reduced enormously. Under the recent elections of Basic Democracies, 9,416

illiterates have been elected from West Pakistan whereas East Pakistan has elected only 888 illiterates.[5] Apart from showing that voters from East Pakistan have behaved in a more mature fashion, these election results indicate that the number of illiterates elected are not very large. The Government by a proper and speedy course of training can make most of these illiterate Basic Democrats literate and responsible electors for the Assembly. The present Government claims that they have undertaken a programme of rigorous training in general principles of administration, basic economics, foreign affairs, etc. for the Basic Democrats. The idea is that if the Basic Democrats are trained and allowed to administer the problems allotted to their respective Councils, they would be in a position to exercise their choice in the Presidential election or in the election for the Assembly in a responsible manner. It is still not quite clear how much power the Assembly would exercise in the event of a conflict with the President. The prevailing view seems to be that in matters financial like the Money Bills and the Budget the President should not only have the right to refer such Bills for reconsideration to the Assembly, but should also be invested with the ultimate power to overrule the Assembly. All this is reminiscent of the Government of India Act, 1919, in which the Governor-General was empowered to certify the Budget if the Assembly refused to pass it. It may be recalled that after the dissolution of the Constituent Assembly, Sir Ivor Jennings was called upon by Ghulam Mohammed to draft a constitution in which the Assembly would have very little power to hold the Executive accountable to it. In this draft the President was given power to certify the Budget if the Assembly tried to reduce the estimates in such a way that the total money available under the existing Budget would be lower than that voted in the previous year. On non-financial matters, it is conceded that the Assembly can disregard the will or recommendations of the President by passing a particular measure by a two-thirds or three-fourths majority. The President, on the other hand, when confronted with such a

situation, can dissolve the Assembly and refer the entire matter to the electorate of 80,000 Basic Democrats. If the Basic Democrats elect an entirely new House, the President's stand will be vindicated. On the other hand, if the electorate were to elect the same House or a great majority of the same House, the constitutional pundits would say that the President should resign. But the prevailing view is that this would bring about instability. A better alternative for the President would be to bow to the will of the people and let the Assembly pass the Bill in the particular form it wishes.

The constitution of Pakistan, after all, is not a Qur'an which should lay down certain principles and provisions of eternal validity. It has to be an elastic document capable of growth and change. Thus, it is likely that if the Assembly develops a disciplined party system, it will be able to assert its will in a more effective fashion. The view of the Government is that the President should be given adequate powers to prevent the conflicting Provincial groups from acting against national interests and also to let economic development proceed in an uninterrupted fashion. But on the other hand, there is a possibility that the Assembly may also try to act in a united way against the President, and in doing this, it may tend to unify the representatives of the two Provinces The Provincial representatives, instead of fighting against each other on Provincial lines, may take a stand together on several issues against the President.

It has already been seen how the Government of Pakistan has grown out of the former Viceregal system of the British Government of India. In the same manner, Pakistan inherited a unitary system of government from British India. In spite of linguistic and other differences among the various Provinces, the British had tried to build a uniform pattern of administration all over India. Thus, in Bengal and the Punjab the over-all administrative system was about the same despite differences in revenue laws and administration. Linguistic differences were always there, but they did not lead to any differences in administrative institutions.

In the same way today in East Bengal the Bengali language is not linked to any institution. There is no Bengali system of education as there are Catholic schools and a Catholic system of education in the Province of Quebec. Only in the Tribal Area can one say that tribal life is linked to certain tribal institutions like the *jirga* system based on tribal laws and customs. Therefore, the present Government has taken the view that Pakistan as a new State should be modelled on a unitary basis thereby minimizing the differences that exist between the Provinces.

In so far as the grievances of East Bengal are concerned, the view among Government circles is that these are matters which can be dealt with administratively. If a Provincial Government under a federal pattern is allowed to air these grievances, it is likely to exaggerate them in order to make political capital out of them. This brings about an opposite reaction from the other Province or the Centre thereby increasing the tension. Thus, the present trend seems to be that all major policy decisions should be made at the Centre and the administration should be so decentralized in each Province extending right down to the District level that the policy is executed keeping in view the needs and special problems of the local area. If there are certain areas in Pakistan which need special assistance, the Centre should take this into account and frame its policy accordingly. It is recognized that East Pakistan needs special assistance. In the Budget estimates of 1960-61, the total financial assistance made available to East Pakistan from sources like the Centre, the I.C.A., Commonwealth countries, etc. is 499.7 million rupees as compared to 499.6 million rupees allotted to West Pakistan.[6] But the feeling persists among Bengalis that they are not getting an equitable share from the Centre. They claim that East Pakistan lags so far behind West Pakistan that equal assistance to both will not eliminate the economic disparity that exists between the two Provinces. When Bengalis complain that they contribute more foreign exchange to the Centre than the other Province, they are told that West Pakistan exports textiles and food to East Pakistan thereby saving foreign

exchange for the country. Similarly, the complaint that West Pakistan has had a faster industrial progress than East Pakistan is answered by the familiar argument that this has taken place because West Pakistan's more developed economy has attracted more capital and managerial skill than East Pakistan. Bengalis also point out that under a unitary constitution Bengalis should be given majority representation in the Assembly. Parity is essentially linked with a federal arrangement whereby it is hoped that by giving parity representation to West Pakistan, it is assured that the Centre will not be dominated by Bengali majority. Thus, Bengalis bemoan the fact that the Central administration dominated by West Pakistan officials is not very sympathetic towards the economic problems of East Pakistan.

The fact remains that Pakistan is cleft into two physically separated Provinces and so far even a federal constitution has not created confidence among the Bengalis. No constitution, therefore, can ignore the fact that the country needs a forum where grievances can be ventilated, discussed and settled on a compromise basis. So far Pakistani legislators and constitutionalists have been far too much influenced by the corpus of political and constitutional ideas and the administrative machinery they have inherited from British India. Pakistani problems have outpaced these ideas and institutions. Thus, a thorough investigation of these problems in the light of the resources of the country is needed. Considerable British effort was expended in the building up of the steel framework which was designed to hold the disparate parts of India together but the separatist forces could not be contained.

## FOOTNOTES

1. Altaf Husain Hali, *Maqalat-i-Hali* (Karachi: Anjuman Taraqi-i-Urdu Pakistan, 1957). See pp. 137-148, 187-192, 271-275.
2. The author understands that Chaudhri Khaliquzzaman in his memoirs which are to be published shortly has advanced the view that he was the first one among League circles to put forward the idea of the Partition of India.

3. "Thomas Masaryk Maker of Czechoslovakia", *The Times Literary Supplement*, March 3, 1950.
4. See Abul Mansur Ahmad's speech. *Constituent Assembly of Pakistan Debates*, Vol. I, p. 1816.
5. Statistics regarding elections to Basic Democracies were furnished to the author by the Ministry of National Reconstruction and Information, Government of Pakistan.
6. See Appendix III.

# APPENDIX I

## MUSLIMS IN THE CIVIL AND MILITARY SERVICES OF THE GOVERNMENT OF INDIA, 1946-1947

I. MUSLIMS IN THE SECRETARIAT OF THE GOVERNMENT OF INDIA, 1946-1947[1]

1. *Secretariat of the Governor-General*

Personal Secretary—British
Secretary (Public)—Reforms Commissioner—Hindu
No Muslim in the Secretariat

2. *Cabinet Secretariat*

Secretary—British
Joint Secretary—Hindu
Establishment Officer—British
Deputy Secretary (Military)—British
Deputy Secretary (Civil)—Muslim
Under Secretary (Civil)—Muslim
Rest—all British

3. *Department of Education*

Secretary—British
Deputy Secretary—Hindu
Deputy Educational Advisers—three, one of whom a Muslim
Assistant Educational Advisers—two, both Muslims.

1. This information has been gathered from *The Indian Year Book* 1946-47, Vol. XXXIII (Bombay & Calcutta: Bennett Coleman).

4. *Department of Health*
   Secretary—British
   Deputy Secretaries—two, both Hindus
   Assistant Secretaries—two, one of whom a Muslim
5. *Department of Agriculture*
   Secretary—Hindu
   Joint Secretaries—two, both Hindus
   Deputy Secretaries—two, one of whom a Muslim
   Under Secretaries—two, one of whom a Muslim
   Out of nearly 50 technical officers, only 7 Muslims.
6. *Labour Department*
   Secretary—Hindu
   Joint Secretary—Hindu
   Deputy Secretaries—Hindus
   Only one Muslim officer—Officer on Special Duty
   A. *Directorate General of Resettlement and Employment*
      Director General and ex-officio Joint Secretary—Muslim
      Deputy Secretaries—two, one of whom a Muslim
      Assistant Secretaries—three Hindus
      A number of offices in the Department of Labour called Directorates of Training, Employment Exchanges, Resettlement and Employment, etc.—only one Muslim Director
7. *Department of Works, Mines and Power*
   Secretary—Hindu
   Joint Secretary—Hindu
   Deputy Secretaries—Hindus
   Under Secretaries—Hindus
   Assistant Secretaries—Hindus
   No Muslim except an officer called 'Attache'
8. *Finance Department*
   Principal Secretaries—two, one British, one Hindu
   Joint Secretaries—four, no Muslim
   Deputy Secretaries—eight, no Muslim
   Under Secretaries—six, only one Muslim

A. *Communications Division*

Financial Adviser—Hindu

Deputy Financial Advisers—two, one of whom a Muslim

B. *Joint Financial Adviser Food*

All Hindu officers

C. *Financial Department Revenue Division, Central Board of Revenue*

Additional Secretary—British

Joint Secretaries—three, all British

Deputy Secretary—Hindu

No Muslim

In the Inspectorate of Customs and Central Excise and Income Tax—no Muslim except a minor inspecting officer in Customs and Central Excise

9. *War Department*

Secretary—British

Officiating Secretary—Hindu

Joint Secretaries—three, two British, one Muslim

Deputy Secretaries—no Muslim

Under Secretaries—eleven, only one Muslim

In the Pensions Branch, only two Muslims

A. *Military Finance Department*

Financial Adviser—Muslim

Additional Financial Advisers—two, both British

Joint Financial Adviser—British

Deputy Financial Advisers—nine, only one Muslim

10. *Home Department*

Secretary—British

Joint Secretary—British

Deputy Secretaries—six, one Muslim

11. *Information and Broadcasting Department*

Secretary—British

Deputy Secretary—Muslim

Under Secretary—British

In the Publications Division of the Ministry, special officers dealing with Persian and Arabic publications

were Muslims.

In the Press Information Bureau, mostly Hindus and British, only one Assistant Principal Information Officer—Muslim

12. *Indian Council of Agricultural Research*

No Muslim

13. *Central Agricultural Marketing Department and Indian Central Sugar Cane Committtee*

21 officers—only three Muslims

14. *External Affairs Department*

Secretary—British
Joint Secretaries—British
Under Secretaries—mostly British, one Hindu and no Muslim

15. *Commonwealth Relations Department*

Secretary—Hindu
Joint Secretary—Hindu
Deputy Secretaries—all Hindus, except one Additional Deputy Secretary—Muslim
Hajj Officer—Muslim

16. *Political Department*

All British officers

17. *Department of Commerce*

Secretaries—two, both Hindus
Joint Secretaries—three, two Hindus, one Muslim
Deputy Secretaries—three, all Hindus
Under Secretaries—three, all Hindus
Chief Controller of Exports—Muslim

18. *Department of Industries and Supplies*

Secretary—British
Officiating Secretary—British
Joint Secretaries—two, one Hindu, one British
Deputy Secretaries—six, three of whom Muslim

19. *Department of War Transport*

Secretary—British
Joint Secretary—British

Deputy Secretaries—two, one British, one Hindu

A number of other officers like Chief Controller, Railroad Priorities; Chief Controller, Motor Transport, were mostly either British or Hindu.

Civil Aviation Directorate was entirely in the hands of British and Hindu officers.

20. *Railway Department*

Mostly Hindu or British

21. *Legislative Department*

Secretary—British

Additional Secretary—British

Joint Secretary—Hindu

Deputy Secretary—Hindu

No Muslim in the Department except Assistant Solicitor to the Government of India (Supply)

II. MUSLIM OFFICERS IN THE ARMY, 1946-1947[2]

| | Muslims | Non-Muslims | Total |
|---|---|---|---|
| Field-Marshals | 0 | 0 | 3 |
| Generals | 0 | 0 | 3 |
| Lt.-Generals | 0 | 0 | 4 |
| Maj.-Generals | 0 | 0 | 20 |
| Colonels | 1 (Acting Colonel) | Not Known | 126 |
| Lt.-Colonels | 3 | 5 | 890 |
| Majors | 16 | 32 | 577 |
| Captains | 80 | 173 | 1,033 |

2. These figures have been taken from *Indian Army List, October, 1946, I.* In the above figures, officers who had military rank but were holding non-military posts and were in the Supernumerary List, have not been included. It is obvious from the figures that an overwhelming majority of the officers in the Indian Army were British. These figures do not include officers who were on Emergency Commissions.

# APPENDIX II

## DOCUMENTS RELATING TO THE OFFICE OF GOVERNOR-GENERAL OF PAKISTAN[1]

### I. COMMISSION OF MUHAMMAD ALI JINNAH

GEORGE THE SIXTH by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas, King Defender of the Faith.

To Our Right Trusty and Well-Beloved Muhammad Ali Jinnah.

GREETING

I. We do by this Our Commission under Our Sign Manual, appoint you, the said Muhammad Ali Jinnah, to be, during Our pleasure, Governor-General of Pakistan with all the powers, rights, privileges, and advantages to said office belonging or appertaining.

II. And we do hereby authorise, empower and command you to exercise and perform all and singular the powers and duties conferred and imposed upon Our Governor-General of Pakistan by and under provisions of the Act passed in this the tenth and eleventh year of Our Reign intituled the Indian Independence Act 1947.

III. And that they and We do hereby authorise and empower you in Our name and on Our behalf to grant any offender convicted in exercise of its Criminal Jurisdiction by any Courts of Justice within Our territories in Pakistan

1. Texts of these Commissions have been supplied to the author by the Cabinet Secretariat, Government of Pakistan, Karachi

a pardon either free or subject to such lawful conditions as to you may seem fit.

IV. And We do hereby further authorise and direct you to cause this Our Commission to be read and published in the presence of the Chief Justice or other Judge of the Federal Court or in the presence of the Chief Justice or other Judge of the High Court of any of the Provinces in Our Dominion of Pakistan.

V. And We do hereby further authorise and direct you to take the Oath of Allegiance and the Oath for the due execution of the Office of Our Governor-General of Pakistan in the form hereto appended which Oaths the said Chief Justice of the Federal Court or other Judge of the said Court or Chief Justice or other Judge of the High Court of any of the Provinces in Our said Dominion shall and is hereby required to tender and administer unto you.

VI. And We do hereby further authorise and require you by yourself or by any other person to be appointed by you in that behalf to administer to every person appointed by you to hold office as a Minister and to every person appointed by you to be a Chief Commissioner the Oaths of Allegiance and Office and of Secrecy hereto appended.

VIII. And We do hereby direct that every person who under this Commission shall be required to take an Oath may make an affirmation in place of an Oath if he has any objection to making an Oath.

GIVEN at Our Court at Balmoral this fourteenth day of August in the year of Our Lord 1947 and in the eleventh year of Our Reign.

BY HIS MAJESTY'S COMMAND.

Listowel.

I, Muhammad Ali Jinnah, do solemnly affirm true faith and allegiance to the Constitution of Pakistan as by law established, and that I will be faithful to His Majesty King George the Sixth, His Heirs and Successors, in the Office of Governor-General of Pakistan.

II. Commission of Khwaja Nazimuddin

GEORGE THE SIXTH by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas, King Defender of the Faith.

To Our Right Trusty and Well-Beloved Khwaja Nazimuddin.

GREETING

I. We do by this Our Commission under Our Sign Manual, appoint you, the said Khwaja Nazimuddin, to be, during Our pleasure, Acting Governor-General of Pakistan with all the powers, rights, privileges, and advantages to said office belonging or appertaining.

II. And We do hereby authorise, empower and command you to exercise and perform all and singular the powers and duties conferred and imposed upon Our Governor-General of Pakistan by and under provisions of the Act passed in this tenth and eleventh year of Our Reign intituled the Indian Independence Act 1947.

III. And that they and We do hereby authorise and empower you in Our name and on Our behalf to grant to any offender convicted in exercise of its Criminal Jurisdiction by any Courts of Justice within Our territories in Pakistan a pardon either free or subject to such lawful conditions as to you may seem fit.

IV. And We do hereby further authorise and direct you to cause this Our Commission to be read and published in presence of the Chief Justice or other Judge of the Federal Court or in the presence of the Chief Justice or other Judge of the High Court of any of the Provinces in Our Dominion of Pakistan.

V. And We do hereby further authorise and direct you to take the Oath of Allegiance and the Oath for the due execution of the Office of Our Governor-General of Pakistan in the form hereto appended which Oaths the said Chief Justice of the Federal Court or other Judge of the said Court or Chief Justice or other Judge of the High Court of any of the Provinces in Our said Dominion shall and is hereby required to tender and administer unto you.

VI. And We do hereby further authorise and require you by yourself or by any other person to be appointed by you in that behalf to administer to every person appointed by you to hold office as a Minister and to every person appointed by you to be a Chief Commissioner the Oaths of Allegiance and Office and of Secrecy hereto appended.

VII. And We do hereby direct that every person who under this Commission shall be required to take an Oath may make an affirmation in place of an Oath if he has any objection to making an Oath.

GIVEN at Our Court of St. James this thirteenth day of September in the year of Our Lord 1948 and in the twelth year of Our Reign.

BY HIS MAJESTY'S COMMAND.

Noel-Baker.

I, Khwaja Nazimuddin, do solemnly affirm true faith and allegiance to the Constitution of Pakistan as by law established, and that I will be faithful to His Majesty King George the Sixth, His Heirs and Successors, in the Office of Governor-General of Pakistan.

# APPENDIX III

## FINANCIAL ASSISTANCE TO THE PROVINCIAL GOVERNMENTS[1]

(Rupees in lakhs).

| | 1959-60 Budget | | | 1959-60 Revised | | | 1960-61 Budget | | |
|---|---|---|---|---|---|---|---|---|---|
| | E. P. | W. P. | Total | E. P. | W. P. | Total | E. P. | W.P. | Total |
| **I.—DEVELOPMENT LOANS:** | | | | | | | | | |
| i. **CASH** .. .. .. | **24,00** | **17,63** | **41,63** | **24,01** | **21,43** | **45,44** | **27,10** | **26,65** | **53,75** |
| Agricultural Development .. | 2,00 | 2,00 | 4,00 | 2,00 | 2,00 | 4,00 | 3,00 | 3,00 | 6,00 |
| Food Storage construction .. | .. | 50 | 50 | 1,36 | 73 | 2,59 | 27 | 28 | 55 |
| Flood Relief .. .. .. | .. | .. | .. | .. | 1,00 | 1,00 | .. | .. | .. |
| **OTHER PROJECTS:** | | | | | | | | | |
| Out of net investments in Small Savings Certificates .. .. | 40 | 60 | 1,00 | 40 | 60 | 1,00 | 42 | 58 | 1,00 |
| ICA .. .. .. | .. | .. | .. | 3,42 | 3,46 | 6,88 | 4,67 | 6,50 | 11,17 |
| Other .. .. .. | 21,60 | 14,53 | 36,13 | 16,33 | 13,64 | 29,97 | 18,74 | 16,29 | 35,03 |
| ii. **PROJECT EQUIPMENT ETC., UNDER FOREIGN LOANS** .. | **6,25** | **10,03** | **16,28** | **4,29** | **3,84** | **8,13** | **3,59** | **7,98** | **11,57** |
| ICA .. .. .. | 22 | 1,53 | 1,75 | .. | .. | .. | .. | .. | .. |
| Development Loan Fund .. .. | 6,03 | 8,50 | 14,53 | 4,29 | 3,84 | 8,13 | 3,39 | 7,98 | 11,37 |
| U.K. Credit .. .. .. | .. | .. | .. | .. | .. | .. | 20 | .. | 20 |
| **Total—Loans** .. | **30,25** | **27,66** | **57,91** | **28,30** | **25,27** | **53,57** | **30,69** | **34,63** | **65,32** |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **II.—DEVELOPMENT GRANTS:** | | | | | | | | | |
| a. **CASH** .. .. .. | 5,18 | 7,56 | 12,74 | 5,87 | 6,82 | 12,69 | 17,77 | 13,41 | 31,18 |
| Agricultural Development .. | 2,00 | 2,00 | 4,00 | 2,00 | 2,00 | 4,00 | 3,00 | 3,00 | 6,00 |
| Village AID Programme .. .. | 1,12 | 1,61 | 2,73 | 1,06 | 1,94 | 3,00 | 1,87 | 2,14 | 4,01 |
| Food Storage construction .. | 77 | 40 | 1,17 | 43 | 40 | 83 | 27 | .. | 27 |
| ICA Releases .. .. .. | .. | .. | .. | 1,89 | 44 | 2,33 | 10,86 | 5,00 | 15,86 |
| Flood control measures .. .. | .. | .. | .. | .. | .. | .. | 6 | .. | 6 |
| Rural Industrial Service Pilot Centres .. .. .. | .. | .. | .. | .. | .. | .. | 9 | 10 | 19 |
| **GRANTS FROM RESERVE FUNDS:** | 1,29 | 3,55 | 4,84 | 49 | 2,04 | 2,53 | 1,62 | 3,17 | 4,79 |
| Special Fund for Rehabilitation .. | 15 | 45 | 60 | 15 | 90 | 1,05 | 40 | 1,25 | 1,65 |
| Fund for Social Uplift Schemes .. | .. | 48 | 48 | .. | .. | .. | .. | 46 | 46 |
| Central Road Fund .. .. | 44 | 1,69 | 2,13 | 12 | 40 | 52 | 76 | 1,17 | 1,93 |
| Fund for Roads of National Importance .. .. .. | 70 | 93 | 1,63 | 22 | 74 | 96 | 46 | 29 | 75 |
| b. **EQUIPMENT ETC., UNDER FOREIGN AID:** | 1,27 | 1,48 | 2,75 | 45 | 21 | 66 | 1,51 | 1,92 | 3,43 |
| ICA .. .. .. | 15 | 68 | 83 | .. | .. | .. | .. | .. | .. |
| Australia .. .. .. | .. | .. | .. | .. | 5 | 5 | 1 | 10 | 11 |
| Canada .. .. .. | 1,05 | 50 | 1,55 | 31 | 7 | 38 | 1,16 | 1,44 | 2,60 |
| Ford Foundation .. .. | 7 | 30 | 37 | 14 | 9 | 23 | 10 | 12 | 22 |
| Other International Agencies .. | .. | .. | .. | .. | .. | .. | 24 | 26 | 50 |
| **Total—Grants** .. | 6,45 | 9,04 | 15,49 | 6,32 | 7,03 | 13,35 | 19,28 | 15,33 | 34,61 |
| **Total—Financial Assistance** .. | 36,70 | 36,70 | 73,40 | 34,62 | 32,30 | 66,92 | 49,97 | 49,96 | 99,93 |

1. This is taken from the *Budget* 1960-61 *Explanatory Memorandum* (Karachi: Government of Pakistan, 1960), p. 192.

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Nurul Amin. Chief Minister, East Pakistan—1948-54.

Mian Amiruddin. Landlord and Muslim League leader, Lahore.

Zafar Ishaq Ansari. Joint Secretary, All-India Muslim League (Pre-Partition).

Field-Marshal Sir Claude Auchinleck. Former Commander-in-Chief, Indian Army.

Maulana Bhashani. President of the National Awami Party.

Zulfiqar Ali Bhutto. Present Minister for Fuel, Power and Natural Resources.

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Yusuf Ali Choudhry (alias Mohan Mia). Former K.S.P. leader in East Pakistan.

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Hamidul Haq Chowdhury. Minister, Commerce and Industries, East Pakistan—1947-49; Foreign Minister—1955-56.

Haji Danesh. Leader of the National Awami Party, East Pakistan.

B. K. Das. Central Minister, Education and Labour—February-October, 1958.

B. K. Datta. Member of Parliament—1955-58. Member of the East Pakistan Assembly—1954-58.

Sir Malcolm Darling. Former British I.C.S. officer from the Punjab and author of several books on the co-operative movement and the Punjab peasantry.

Mian Mumtaz Muhammad Khan Daultana. Chief Minister, West Pakistan—1951-53.

Manoranjan Dhar. Finance Minister, East Pakistan—1956-58 (with interruptions).

Arbab Abdul Ghafoor. Frontier leader and a follower of

Khan Abdul Ghaffar Khan.

Sir Douglas Gracey. Former Commander-in-Chief, Pakistan Army.

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Abul Hashim. Secretary, Bengal Provincial Muslim League—1945-46.

Azizul Huq. Director, Small Industries Corporation—1958—

Syed Azizul Huq. K.S.P. leader from East Pakistan.

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Tafazzul Husain. Editor, *Ittefaq* (Bengali daily).

Zakir Husain. Present Minister of Interior.

Sheikh Muhammad Ikram. Additional Chief Secretary, West Pakistan—1958—Author of several books on Urdu Literature and History of Muslims in India.

Muhammad Ikramullah. Present Foreign Secretary.

Husain Imam. Member of the Working Committee of the All-India Muslim League (Pre-Partition).

Khalid Ishaq. Additional Advocate General, West Pakistan.

Lord General Hastings Lionel Ismay. Former Chief of Staff to the Viceroy of India—1947.

M. H. Ispahani. Former Central Minister of Industries and an All-India Muslim League leader.

Sir Ivor Jennings. Former constitutional adviser to the Government of Pakistan.

Miss Fatima Jinnah.

Justice Kayani. Chief Justice, West Pakistan High Court.

Abbas Khaleeli. Former Secretary, Commerce and Industries, Central Government, for several years.

Abdul Monem Khan. Muslim League leader from Mymensingh.

Abdul Qaiyum Khan. Chief Minister, N-W.F.P.—1947-53. Later President, Pakistan Muslim League—1958.

Maulana Akram Khan. Former President, Bengal Muslim League (Pre-Partition).

Ataur Rahman Khan. Chief Minister, East Pakistan—1956-58 (with interruptions).

General Azam Khan. Present Governor, East Pakistan; former Central Minister.

Ghazanfar Ali Khan. Former Muslim League leader and Central Minister.

Malik Lal Khan. Former influential Punjab Muslim League leader.

Muhammad Ayub Khan. President of Pakistan.

N. M. Khan. Former Chief Secretary, East Pakistan. At present, Director, Projects Division, President's Secretariat.

Sabur Khan. Muslim League leader from Khulna.

Shaukat Ali Khan. Lawyer, Dacca. A supporter of the National Awami Party.

Tamizuddin Khan. President, Constituent Assembly—1948-54.

Muhammad Ayub Khuhro. Chief Minister, Sind, several times. Central Minister, Defence—1958.

P. C. Lahhiri. Hindu (Congress) leader from Rajshahi. A supporter of the K.S.P.

Iftikhar Husain Khan Mamdot. Chief Minister, West Punjab—1947-49.

Charles Burton Marshall. Adviser to former Prime Minister H. S. Suhrawardy.

Abul Ala Maudoodi. Founder-President of the Jamaat-i-Islami Party.

Iskander Mirza. President of Pakistan—1956-58.

Sir Francis Mudie. Governor, West Punjab—1947-49.

Muhammad Ali Bogra. Prime Minister—1953-55.

Chief Justice Munir. Former Chief Justice of Pakistan.

A. K. Musa. District Magistrate, Mymensingh—1958—

Khwaja Nazimuddin. Governor-General—1948-51; Prime Minister—1951-53.

Ali Ohad. A young East Pakistan leader. At first Awami Leaguer. Later organizer, National Awami Party.

Rifat Pasha. District Commissioner, Lahore—1958—

Syed Shareefudin Pirzada. Karachi lawyer and a former

Private Secretary of Jinnah.

Khalid D. Power. Secretary, Finance, East Pakistan—1958—

Maulana Abdul Qadir. Director, Pushtu Academy, University of Peshawar.

Manzoor Qadir. Present Foreign Minister.

Habib Ibrahim Rahimtoola. Former High Commissioner in the United Kingdom and Muslim League leader.

Fazlur Rahman. Central Minister—1947-53.

Mujeebur Rahman. Former Secretary of the Awami League, East Pakistan.

Sardar Abdul Rashid. Chief Minister, N-W.F.P.—1953-55. Later Chief Minister, West Pakistan, and Central Commerce Minister.

Professor Abdur Razzak. University of Dacca.

Abdul Sattar Sait. Member, Working Committee, All-India Muslim League.

Abdus Salam. Editor, *The Pakistan Observer*.

Abu Husain Sarkar. Chief Minister, East Pakistan—1955-56.

General K. M. Sheikh. Present Minister for Food and Agriculture.

G. M. Syed. Muslim League leader from Sind (Pre-Partition). Later organizer of the National Awami Party.

Mir Ghulam Ali Talpur. Sind landlord. Minister, Central Government—1956-58.

Khizr Hyat Khan Tiwana. Chief Minister of the Punjab—1943-47.

General Yousuf. High Commissioner for Pakistan in the U.K.

Zaheeruddin. Minister, Central Government—1956-57.

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# ERRATUM

On page 68, line 13, read 'Lord Irwin' for 'Lord Reading'.